NORTH AMERICAN REVIEW

DCXXI.

AUGUST 16, 1907.

POE, COOPER AND THE HALL OF FAME.

BY EDMUND CLARENCE STEDMAN (ONE OF THE HUNDRED ELECTORS).

THE picturesque village of Cooperstown has devoted a week's round in this last month of summer to the centennial celebration of its settlement at the foot of Otsego Lake. Its citizens look upon the name and fame of James Fenimore Cooper as the chief glory of the place where one whom they pronounce "the greatest of American writers of romance" lived, worked and died. At his grave the village children sang and scattered flowers, while not inconceivably the shades of Uncas and Natty Bumppo hovered near, and the heroic ghost of Long Tom Coffin ventured thus far inland to share in the rites. The eloquence of Professor Matthews panegyrized the novelist of his adopted State—and this is well, for our champion of the spelling cohort has been one of the doughtiest defenders, since Cooper, of American letters against foreign misconception. Cooper plainly is not without honor in the glades of his own legendary. But no tablet bearing the name of the author of "The Pilot" and "The Pioneers" has been unveiled in the pavilions of our metropolitan Hall of Fame.

The capital of Virginia has raised ten thousand dollars for a

Copyrigh t, 1907, by THE NORTH AMERICAN REVIEW PUBLISHING COMPANY. All Rights Reserved

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

memorial of Edgar Allan Poe, whose boyhood was passed in Richmond. Last spring, Baltimore awoke to the belief that there can be no fitter addition to the structures from which she derives her titular epithet than an impressive monument, of some kind, to the poet and romancer whom Tennyson considered "the literary glory of America." It was in Baltimore that Poe won his first start; there, too, he met his last mischance, and lay distraught upon his deathbed; there his remains are guarded by the modest tomb erected, through the efforts of a woman, almost three decades after their interment; and in the same city still dwell the clansmen of his name. Baltimoreans applaud the project for an adequate memorial, and doubtless the subscription will soon be under way. As yet, however, the votes cast for Edgar Allan Poe by the electors of the Hall of Fame have fallen slightly short of the number required for inclusion within its colonnade.

Public opinion concerning our temple on the Heights has gone through several stages. The announcement of the conception of such a shrine, and of the fact that means had been supplied by private munificence for its realization under the auspices of New York's junior University, was received with some urbane yet not unkindly lifting of the eyebrows at the conscious or unconscious audacity of the undertaking. Could it seem otherwise than supereminently Hesperian to our kin across sea whose Westminster Abbey came not as a birth, but "just growed"? Could any awe invest a Pantheon established neither by a National Assembly nor by that divine right of royalty which created off-hand the Walhalla of the Danube?

The genesis of the institution doubtless was more unabashed, and also less seriously scrutinized, than if its sponsor had been one of the older seaboard universities. To cut in is after all a way of doing things, and the world has few barriers to assurance *plus* energy. Both traits were displayed by the management of the college whose resources were scanty, yet equal to obtaining the grandest of sites for future expansion, and to making itself at once conspicuous by so notable a memorial. It soon was apparent that to the plain people there was something effective in the plan set forth. Those who had received their schooling since the adoption of statutes requiring the national flag to be unfurled above every schoolhouse, and who knew by heart "My Country,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

'tis of Thee," showed an interest which tempered the cynicism of an exclusive class. The resulting tolerance extended by our arbiters of taste was confirmed, with American gallantry, from the moment when the rumor went about that to the patriotic impulse of a young countrywoman, whom all held in affectionate honor, the coming shrine would owe its endowment.

Next came an interval of curiosity as to the working of the scheme. Would it be as wisely guided as it had been cleverly adventured? Could it maintain the dignity of its attributes, or would it be a thing for passers to wag their heads at, and say: "Aha, aha! our eye hath seen it." Manifestly, however, Chancellor MacCracken in any case would be able to render his antiphonal: "Aha! even the ancient high places are ours in possession." When the columned hemicycle began to show around Stanford White's beautiful edifice, on that lofty site, the Chancellor's vantage-ground was indisputable; and when, ere long, the result of the balloting, in 1900, for a possible fifty famous Americans became known, it was admitted that the test of an initial election had come out fairly well. The country at large had made nominations and was discussing the returns; it had been taken with the idea of such a foundation in the city which every American visits, and in which, as in Washington, he seems to have a certain share. In fine, this first election, conducted with much circumstance and precision, advanced the enterprise to the status of achievement: not necessarily a Pantheon such as well might have been founded at the national capital, but at least the peer in location and pretensions of Munich's Ruhmeshalle—from which it appears to take its name.

This virtual acceptance of the Hall as a public institution brought with it the right of citizen censorship which has been exercised *Amerikanisch*, with all degrees of seriousness and humor. The election of only twenty-nine from the nominated list showed that even the greatest of democracies has not yet produced fifty heroes beyond all cavil—stars of such magnitude that no differences of faith, opinion, temperament, among the electors, could prevent a common recognition of their light. On the whole, twenty-nine was a goodly number to begin with, and there might have been worse happenings than the reservation of twenty-one vacancies for the arbitrament of after time and discussion. The election of Lee by a two-thirds vote proved the catholicity of the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

judges. The debarment of Hamilton by his alien birth was keenly felt; probably I was but one of the electors who expressed regret, when rendering their ballots, over his ineligibility.

Nevertheless, the failure to elect two or three of the nominees seemed, upon consideration of the relative rank of several among the chosen, a palpable sin of omission. It was to me a cause for bewilderment. I had committed the error of supposing that my own judgment was so naturally shared by discerning men that the success of these candidacies was inevitable. And should not the electors, though one of their own number say it, be reckoned as discerning? Imbued, then, with respect for the breadth and acumen of the twenty-five "college presidents," the twenty-six "professors of history and scientists," the twenty-six "publicists, editors, and authors," and the twenty-three "chief justices," with whom I was associated,—and to whom so honorable a function had unexpectedly been entrusted,—I confess that I was quite taken aback to find that only thirty including myself had voted for Cooper, and that Poe, with presumedly the South behind him, had received but thirty-eight of the ninety-seven ballots returned. Then, too, possessed by a reverence acquired in youth for the Father of American Song, and a belief that a man's eminence should be measured by its ratio to his own era, I thought it surprising that the *nomen venerabile* of Bryant was not upon the bead-roll, although he had lacked but 2 votes of the required 51.

The case of Cooper seemed peculiarly inexplicable, and now, since the second test, in 1905, it would seem as much more so as the square of the additional years, but for conditions which it is the purpose of this article to examine in the hope of their amelioration. That Washington Irving should have received the large percentage of eighty-three out of ninety-seven votes, standing eleventh on the list, could not be criticised. But if Irving, why not his great compeer—that other romancer, who, if the less classical and refined of the two, was the more creative, the more American, and is to this day "equal in renown"? Above all, why but thirty votes for him, to Irving's eighty-three? Both were founders of a native school, and side by side the vansmen in our sixty years' march for international copyright. Were there fewer than a third of the electors uninformed concerning the world-wide vogue of Cooper, and the unceasing sale of his works; were

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

there so few who could recall experiences like that of the present writer, who, with a zest excited in boyhood by a chance acquaintance with but one of Cooper's novels, had trudged a league for each successive other, until the whole enchanting series had been assimilated? Had then the lapse of years made so unfamiliar to my colleagues those opening stanzas of Halleck's "Red Jacket"?—

> "Cooper, whose name is with his country's woven
> First in her files, her Pioneer of mind—
> A wanderer now in other climes, has proven
> His love for the young land he left behind;
>
> "And throned her in the senate-hall of nations,
> Robed like the deluge rainbow, heaven-wrought;
> Magnificent as his own mind's creations,
> And beautiful as its green world of thought."

Were there no more who had appreciated the survey of Cooper's life and work afforded by Professor Lounsbury's contribution to the "Men of Letters" series? Recalling to mind that biography, a classic in its way, and therewith the estimate placed by Mr. Brownell in a masterpiece of criticism upon our rugged celebrant of frontier and ocean adventure, I felt that in respect of the romancer's inalienable claims to such apotheosis as can be bestowed by official commemoration I was willing to be "in the right with two or three."

If the vote for Cooper gave cause for wonder, what of the insufficient tally scored for Poe, whose manes probably will never cease to be vexed by a witling class of followers, but concerning whose place in imaginative literature the world at large has not the slightest doubt? As a writer he was among the first to recognize the powers of Hawthorne; both were idealists, and if the one produced no sustained romances like "The Scarlet Letter," the other gave voice to no lyric melodies such as "Israfel" and "The Haunted Palace." These artistic, beauty-haunted compeers were twin orbs in their nineteenth-century constellation. And as for the matter of renown—of a place in the Hall of Fame—what, then, *is* fame? On your conscience, fellow judges, whether you are realists or dreamers, jurists, scholars or divines, pay some slight regard to that voice of the outer world, which one of our own writers termed the verdict of "a kind of contemporaneous posterity"; note that there is scarcely an enlightened

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tongue into which Poe's lyrics and tales have not been rendered,—that he is read and held as a distinctive genius, in France, Spain, Germany, Italy, Russia, Scandinavia,—that the spell of his art is felt wherever our own English speech goes with the flags of its two great overlands. Fame! Is there one of us still unconscious of Poe's *fame?*

> "Not hear? When noise was everywhere! it tolled
> Increasing like a bell."

Those who have given their votes for Franklin and Hamilton surely have not demurred on ethical grounds to one against whom no charge of immorality can lie, seeing that his life, like his handiwork, was chaste as moonlight. That he was poor and headstrong is true; that he was the congenital victim of an abnormal craving for stimulants, now accounted a disease, is true; but what of all this beside the gift that made its shining way against such odds—beside one's gratitude for his crystallization of our inchoate taste and for the recognition which his poetry and romance did so much to gain for the literary product of his native land.

Thus I thought and think, and the blanks on the bulletin of 1900 would still seem inexplicable, and far more so their persistence after the second election—in which, though Cooper advanced to a count of forty-three, and Poe to forty-two, Bryant fell off to forty-six—were it not that I have begun to see a light. Meanwhile, public opinion concerning these shortcomings has been outspoken, and barbed with the sarcasms of a justifiably ironic press. It has been intimated, for example, that Poe and Whitman are *taboo* by senatorial edict. Plainly this cannot be so as regards Poe, for his name has twice been squarely presented on the roll of nominations, and nine more votes would have given it a majority on the second trial. In relation to Whitman it should be noted that to put a name before the electors requires, under the constitution, nominations "from the public in general —seconded by any member of the University Senate." It is true that after an election is decided a veto-power may be exercised against an elect, but only "by a majority of the nineteen members of the New York University Senate." This veto would simply "return the name for future consideration. The electors might again approve it by an emphatic vote." The fact is that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the name of Whitman was not eligible, under the ten-year limit, until the election of 1905, nor had there been any so general an advocacy of it as to constitute a definite public estimate of his fame—nor, so far as I am aware, any preliminary effort made by its most ardent votaries. Any elector had the right to add it to the list submitted for supplementary nominations, and if even a few of the Hundred had done so, I very much doubt if it would have failed to appear upon the "revised" roll containing the full and final panel.

The priority, by a generation, of Cooper and Poe, and of Bryant—whom Whitman found so satisfying—is manifest, and that any name is not submitted at the first available date hardly constitutes a grievance. As one never deaf to Whitman's large utterance, and whose early statement that he and Emerson and Poe were our poets from whom the world "had most to learn" has long been vindicated, I foresee a lustrum when he will be ushered to the Hall by the equity of time; yet I conceive that even his chartered renowners would not care to have him enter before he comes as a conqueror.

With light gained, then, from the returns of 1905, which elected Lowell and Whittier, but no historian or other author, and not a single scientist or great inventor, it is plain that the rules thus far adhered to block the way to reasonable coordination. An otherwise good system surely may be amended in such wise as to produce results more in accord with national expectation. This belief is here expressed because it may well be said that the judges themselves should not rest content with the mere transmission of their votes. For one, I should have made some unofficial effort in 1905, in behalf of certain names, but unforeseen events put it quite beyond my power. Another election will take place in 1910, but I do not assume to count upon a surer or more serviceable time than the present for lightening the concern upon my mind.

I have used the word "associates" in speaking of the hundred judges, but—and here I reach the gravamen of the complaint—we have been, after all, associated no more actively than the gargoyles of Notre Dame or the saintlier marble images of the Milan Cathedral; perhaps still less so, for it has not seemed beyond conjecture, in the fancy of our pasquinaders, that the statued sages of a Supreme Court House, or Mr. Ward's alle-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

gorical impersonations within the Stock Exchange pediment, may confabulate at the mystic midnight hour. I am myself the possessor of a generous bowl which I piously believe—like Gil Blas unquestioning his children's paternity—to be of the true Imari ware, and which mayhap was often brimmed with votive blossoms before its departure from the Far East. For me and mine it serves the office of a punch-bowl, though too fragile to be lent in the fashion of Holmes's silver transmittendum from the "Mayflower," nor setting up any claim to have come hither in the "Powhatan" with the first Japanese embassy. Yet 'tis not without the dignity of years, and is treasured all the more for its spacious fragility. Now, grouped in a council ring within its inner surface—*τι θεῶν δαίδαλμα*, "some cunning work of the gods"—are the sages of Nippon, they whom we traditionally denominate the Hundred Wise Men. More than once I have essayed to count these dignitaries, but the refulgence of their shorn and shining heads is confusing, and one can only make sure that their tally falls somewhat short; certain of them must have tarried behind, like those laggard judges who withheld their ballots in the University election of 1905. It is true that after a liberal enjoyment of the service which my bowl renders upon occasion the count is enlarged, or even doubled. Between two extremes it is pleasant to regard the Wise Men as present in full quota—a legendary Hundred; and as to their wisdom, do not their reverend faces, their attire—judicial, sacerdotal or scholastic—reveal this beyond a doubt?

How often, since the inception of our Hall of Fame, I have reflected enviously upon the superior advantages for counsel enjoyed by our prototypes within the hollow of this bowl—this coracle so vastly fuller of wisdom, and more enduring, than that which sank beneath the weight of only three wise men of Gotham!

Under our electoral system a real cause for surprise is that the enshrinement of forty immortals has been already effected, and has called forth so few expressions of discontent respecting the selections actually made. Consider the limitations imposed. Once and again, a period of five years intervening, the university and college presidents, the chief justices, the professors of history and scientists, and the publishers, editors and authors have not been disobedient to the vision from the Heights. They have received the representative lists of the famous dead, and have

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

underscored the names of those whom they, each for himself, have thought most entitled to mural consecration. Possibly some of the justices have been able to confer, in full bench, before reaching their decisions, but as for the publishers, editors and authors, they have voted in cabinets as separate as those in which cardinals are immured for the election of a new Pope. Few of them have had the opportunity, after receiving in late springtime the official "roll of names" from the Chancellor, to compare views with their colleagues; still fewer have exchanged written communications. If some plan had been devised whereby a goodly number of us might have been in conference for a single day; if we could have bumped heads and grazed shoulders, like the Hundred Wise Men of the East; or, if the Chancellor, in the exercise of his prerogative, had acquainted the electoral body, by means of an inclusive circular No. 3, with arguments submitted to him by any judges in support of any nominees, there would have been a basis for reconsideration. If, then, a supplementary vote had been permitted in the cases of those names which had come within a half-score ballots of the needful fifty-one, it seems probable that from five to ten more names would have been added to the eleven (of all classes) successful at the more recent election.

As it was, Holmes received the large number of forty-nine votes, although it was the first occasion of his eligibility; Bryant received forty-six, and a like number was accorded to Patrick Henry, Calhoun and Andrew Jackson, respectively. Motley reached forty-seven. Among famous Americans of foreign birth, Hamilton had the votes of eighty-eight out of the ninety-five cast, and was the only one elected, although Roger Williams, of the same group, lacked but five votes of a majority. The test of a supplementary ballot might well have been applied to nominees most nearly obtaining the requisite count, and if it had been extended to the candidacies of Poe and Cooper,—which had gained new supporters since 1900,—I think they would have been "of the company" whose tablets were unveiled last Decoration Day. Nothing, of course, could be more fantastic than a choice made *peine forte et dure*. The electors are no members of a Sacred College, to be returned again and again to their boxes, nor jurymen sent back to quarters to prevent a mistrial, nor delegated for extended balloting as under the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

two-thirds rule of a Democratic convention. Yet a system is defective that goes "to the other extreme," as Astor Bristed said when Bentley changed the title of "The Wits' Miscellany" to that of "Bentley's Magazine."

A single ballot is permitted at each recurring fifth year, and while, in 1905, there were twenty-six vacancies in the native American class alone, there was but the hit-or-miss chance of obtaining fifty-one votes for any name at all. The fundamental trouble is to be sought among the rules upon which the Chancellor lays most stress in his attractive and perspicuous "Official Book of the Hall of Fame"—issued, one notes, in 1901, when their practicability had received but a first trial. "There is no obligation," he says, "upon the Board of Electors in any given year to agree upon any name or number of names," and certainly none could wish there should be were it possible. When he adds, not without dignity, that "their opinions are sought once only," experience justifies the response that the opinions of the Board well might be sought and intercommunicated, and weighed in preparation for an eclectic supplementary ballot and the final closure of the polls. Last spring an Academy of the Fine Arts, voting in actual conclave for the admission of new members, egregiously failed to carry out its avowed inclinations, electing but three of many laudable candidates recommended by its council. Suppose that the seventy-one voters had been distributed throughout the country: is it likely that even those three could have passed the ordeal of an unrenewable vote by mail? As it was, a supplementary session set matters right.

It is quite as commendable a function of the public to take part in the primaries as to pass judgment on the returns. The proselyting sisterhood have shown the way, enshrining three famous and eligible women, by means of unceasing admonition to the electors. Their zeal would have triumphed only in the case of Mary Lyon, had not the University Senate so construed the rules that forty-seven votes—of the eighty-six cast by those who "actually considered the names of women"—should elect, instead of a vote of fifty-one out of ninety-five as required in all other classes. By this construction the Senate seemingly conceded that what it terms the constitution is, after all, not more sacrosanct, nor less subject to amendment, under unforeseen conditions, than, for instance, the masterpiece devised by the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Philadelphia Convention of 1787. Outside of the feminine propaganda not much direct influence was exerted, except by the special advocates of denominational worthies, counter-claimants, names hardly of the universal class. The fact that the press alone spoke up for Poe and Cooper doubtless reflected a general assumption that their fame was so secure that direct appeals in their behalf would imply distrust of the electoral intelligence. It now appears that such appeals should have been made. Personally I should have valued a license to give Poe the triple vote that Mark Twain proposed to cast for Mr. Jerome, and certain fellow writers were similarly inclined. All the same, it is not fully evident that if there had been a National Academy of Letters, to which his name could be referred, the affair would have come out much better. The literary vote for no author was larger than that awarded by some other judicial group, and was relatively smaller as given for Holmes, Parkman, Poe and Whittier. The function of such an Academy which Mr. Benson thinks its best excuse for being—namely, "to draw a line"—was freely exercised by the voting *literati* in relation to their own guild.

It is already perceptible that few observances of the Republic's most poetic holiday will be thought more expressive than the quinquennial dedication, in the Hall of Fame, of tablets to those who have bequeathed us their renown, and

> "who still rule
> Our spirits from their urns."

On the occasion of last May, thinking it perhaps my only chance to witness the ceremony, I was of the many who crossed Washington Bridge with that intent. The day's blend of air and sunshine was auspicious for the superb plateau of University Heights. I followed intelligent throngs inspecting the grounds, the college buildings, the Hall and its Museum, and I foresaw, as none can fail to do, the growth and expansion made possible by the University's transmigration. The scene, the gathering, the ceremonies of the colonnade, were unquestionably effective. I listened upon the terraced lawn to Chancellor MacCracken's justly confident address; to Governor Hughes's characterizations of Quincy Adams, Madison, Hamilton, General Sherman, Lowell, Whittier, and others whose panels were unveiled; and to the patriotic

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

speech of the visiting Governor of the old Bay State. One was aware that the emotions of the typical assemblage were not out of keeping; that few thought to scrutinize the authority investing a foundation so visually realized, and that in all likelihood a new generation will view it through that perspective which tends to make equal in time and honor institutions established earlier than one's remembrance.

Its appeal, then, to the aspirations of American youth is fairly well assured. But this year's unveiling, while lengthening a classified roll of famous Americans to the twoscore mark, pointedly accentuated the slight put upon two or three names as well entitled to precedence as any of the author class thus far commemorated. Inasmuch as whatever reproach this implies is divided between the electoral Board and the custodians of the endowment, I thus respectfully ask the Senate of the University to consider the need of an improved working method. In this heyday of executive supremacy the Chancellor-Chairman would be forgiven for taking a hint from the example of a reform Governor bent upon carrying out the wishes of a generous public. It is my trust that in his heart he will not disfavor this behest, that the press, as the electoral year approaches, shall not slacken, but increase rather, its admonitions, and that all loyal Americans shall do likewise; and that all manly youths shall speak up for their wholesomest and most virile old-time recounter; and that our innumerous fiction-writers shall recall their obligations to him who founded a native school, and to that romancer whose wonder tales brought the short story to its first artistic perfection; and, lastly, that all bards and bardlings, though now a secondary division of this army with banners, shall lift their voices for the lyrist "whose heart-strings are a lute," and for the austere and gray-beard minstrel who, with harp in hand, began their Parnassian procession. And that these adjurations may be humbly reënforced, I pray those of my judicial colleagues who, in 1910, retain their incumbency to underscore upon their ballot lists names too long unhonored, and in this wise further justify the confidence bestowed with their electoral charge.

EDMUND CLARENCE STEDMAN.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE DESIGNER OF THE CONSTITUTION OF THE UNITED STATES.

BY HANNIS TAYLOR.

In a recent issue of the Chicago "Record-Herald," Mr. William E. Curtis, after looking over the antiquities of Hartford, presented an interesting sketch of Noah Webster, in which he said, among other things, that "his most notable lecture was entitled 'Sketches of American Policy,' and it was published later in pamphlet form. It contains the first definite proposition for a constitution of the United States, as a substitute for the Articles of Confederation, which he criticised in his lecture as imperfect and insufficient." In that hopelessly indefensible statement Mr. Curtis has embodied a too popular misunderstanding of a vital fact of American constitutional history, in regard to which there should not be the slightest doubt or obscurity. Noah Webster has no claim whatever to the honor attributed to him. It belongs to Pelatiah Webster, who was the original designer or architect of the present Constitution of the United States. He it was who first proposed in a public way the calling of the Convention in which the present Constitution was made; he it was who presented, in thirty compactly printed pages, the first outline of the plan upon which it was formed; he it was who gave to the world the path-breaking idea of a Federal Government operating directly upon the citizen and not upon the States as corporations. To him alone belongs the title of "Father of the Constitution," a title resting upon written documents accessible to every one. And yet, in the face of such evidence, his very name is known only to a handful of his fellow countrymen; no monument has ever been raised to his memory; few encyclopædias mention him at all, and such as do pass him by in a way that indicates an utter lack of comprehension of his real importance.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Noah Webster's essay, referred to by Mr. Curtis as containing "the first definite proposition for a constitution of the United States, as a substitute for the Articles of Confederation," was published at Hartford in 1785. On February 16th, 1783, Pelatiah Webster had published at Philadelphia his epoch-making tract entitled "A Dissertation on the Political Union and Constitution of the Thirteen United States of North America," in which he advocated, not only the creation of a supreme Federal Government, with a national assembly of two chambers instead of one, with power to enact laws and to enforce them on individuals as well as on States, but also the creation of permanent courts of law and equity, and a stricter organization of the executive power. Noah Webster's essay was simply a warming over, an elaboration, of the great work which the path-breaker had done nearly two years before. As a founder of the existing Constitution, Pelatiah Webster stands second to Washington alone. When the originality and the far-reaching consequences of his contributions are considered, they surpass by far those of any man who sat in the Federal Convention of 1787, a body which simply worked out the plan he had drawn. While devising that plan he was so impressed with the magnitude of his task that he exclaimed, "May almighty wisdom direct my pen in this arduous discussion!" Some years after the work of the Convention was over, he calmly contrasted the result with his plan, published four years before it met, in the following terms:

"At the time when this Dissertation was written [February 16th, 1783], the defects and insufficiency of the Old Federal Constitution were universally felt and acknowledged; it was manifest, not only that the internal police, justice, security and peace of the States could never be preserved under it, but the finances and public credit would necessarily become so embarrassed, precarious and void of support, that no public movement, which depended on the revenue, could be managed with any effectual certainty: but though the public mind was under full conviction of all these mischiefs, and was contemplating a remedy, *yet the public ideas were not at all concentrated, much less arranged into any new system or form of government, which would obviate these evils.* Under these circumstances, I offered this Dissertation to the public: how far the principles of it were adopted or rejected in the New Constitution, which was four years afterwards [September 17th, 1787] formed by the General Convention, and since ratified by the States, is obvious to every one."*

* The foregoing is a note appended by Pelatiah Webster to his plan of 1783, when it was republished at Philadelphia in 1791. See p. 228.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Pelatiah Webster perfectly understood his own case and stated it with lucid simplicity. He said: Here is the plan of a federal constitution I published four years before the Convention of 1787 met; here is the federal constitution that body made; contrast the two, and the truth "is obvious to every one." There is nothing so marvellous, so unaccountable, in our history as the failure of the American people to do justice to the man who contributed the one basic idea which made our existing Federal Constitution possible. The writer fondly hopes that his humble presentation of Pelatiah Webster's case may at least make his name a little more familiar to his fellow countrymen.

Pelatiah Webster, who was born at Lebanon, Connecticut, in 1725, died at Philadelphia in 1795. After graduating at Yale in 1746, he studied theology and preached in Greenwich, Massachusetts, in the winter of 1748-9. In 1755 he removed to Philadelphia, where he became a prosperous merchant, and in due time an ardent supporter of the patriot cause in the War of the Revolution, aiding with pen and purse. * The former was first devoted to the subject of finance. As early as October, 1776, he began to write on the currency, and in 1779 he commenced the publication at Philadelphia of a series of "Essays on Free Trade and Finance." In one of these he made the first public call for a general convention, to be armed with power to devise an adequate system of federal government. The following account of that performance is taken from the writings of Madison:

"A resort to a General Convention to remodel the Confederacy was not a new idea. It had entered at an early date into the conversations and speculations of the most reflecting and foreseeing observers of the inadequacy of the powers allowed to Congress. In a pamphlet published in May, '81, at the seat of Congs, Pelatiah Webster, an able tho' not conspicuous citizen, after discussing the fiscal system of the U. States, and suggesting among other remedial provisions, including national Bank, remarks that 'the Authority of Congs, at present, is very inadequate to the performance of their duties; and this indicates the necessity of their calling a *Continental Convention* for the express purpose of ascertaining, defining, enlarging and limiting the duties and powers of their constitution, . . . In 1785, Noah Webster whose pol. and other valuable writings had made him known to the public, in one of his publications of American policy, brought into view *the same resort* for supplying the defects Fedl System."†

* He was captured by the British and imprisoned for over four months.
† "Writings of James Madison," 1783–1787, vol. II., pp. 401–3.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Madison thus makes it plain that he considered Noah Webster's essay simply as a repetition by a second-hand thinker. It is beyond question that Pelatiah Webster, in his financial essay of 1781, made the first public call* for a convention to create an adequate system of federal government. That honor is, however, comparatively a small one. His right to immortality rests upon the fact that, in his paper published in 1783, he drew the outlines of the unique fabric created at Philadelphia in 1787, basing it, as he did, upon the epoch-making idea that a federal government should operate directly upon the citizen and not upon the States as corporations. That was Pelatiah Webster's personal contribution to the science of federal government, for which the world had been waiting for more than two thousand years. In a note prepared in 1791, heretofore quoted, he tells us that, when he drew his plan in 1783, "the public mind was under full conviction of all these mischiefs, and was contemplating a remedy, yet the public ideas were not at all concentrated, much less arranged into any new system or form of government." The outlines of the "new system" came from his brain like a bolt from the blue.

From the days of the Greek Leagues down to the making of the present Constitution of the United States, all federal governments had been constructed upon a single plan, at once clumsy and inefficient. The most perfect of the Greek Leagues was the Achaian, of which the founders really knew nothing, as we learn from that writer in the "Federalist" who tells us that, "could the interior structure and regular operation of the Achaian League be ascertained, it is probable that more light might be thrown by it on the science of federal government than by any of the like experiments with which we are acquainted."†

The only federal governments with whose internal organizations the builders of our Federal Republic were really familiar, and whose histories had any practical effect upon their work, were those which had grown up between the Low-Dutch communities at the mouth of the Rhine and the High-Dutch communities

* The fact that "Alexander Hamilton made the same suggestion *in a private letter* to James Duane, September 3, 1780," is of no importance. It was not a public act, not even a public declaration. See Gaillard Hunt's "Life of James Madison," p. 108.

† "Federalist," XVIII. Such knowledge as the framers did possess of Greek federalism seems to have been drawn chiefly from the work of the Abbé Mably, "*Observations sur l'Histoire de Grèce.*"

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in the mountains of Switzerland and upon the plains of Germany.* Down to the making of our present Federal Constitution, the Confederation of Swiss Cantons, the United Provinces of the Netherlands, and the German Confederation, really represented the total advance made by the modern world in the structure of federal governments. Such advance was embodied in the idea of a federal system made up of a union of states, cities, or districts, representatives from which composed a single federal assembly whose supreme power could be brought to bear, not upon individual citizens, but upon cities or states as such. The basic principle upon which all such fabrics rested was the requisition system, under which the federal head was simply endowed with the power to make requisitions for men and money upon the states or cities composing the league for federal purposes; while the states alone, in their corporate capacity, possessed the power to execute and enforce them. The first advance made by the English colonies in America in the path of federal union ended with the making of our first federal constitution, embodied in what is known as the Articles of Confederation. Up to that point, nothing new had been achieved; the fruit of the first effort was simply a confederation on the old plan, with the federal power vested in a single assembly that could only deal through the requisition system with the states as states. As one of the financial advisers of the Continental Congress during the war, the mightiest of all the Websters clearly perceived that no system of credit could be constructed without the national power of coercive taxation. He therefore sounded the key-note when, in his famous paper of 1783, he declared:

"They [the supreme power] *must therefore of necessity be vested with a power of taxation.*† I know this is a most important and weighty truth, a dreadful engine of oppression, tyranny and injury, when ill used; yet, from *the necessity of the case*, it must be admitted. For to give a supreme authority a power of making contracts, without any power of payment—of appointing officers, civil and military, without money to pay them—a power to build ships, without any money to do it with—a power of emitting money, without any power to redeem it—or of borrowing money, without any power to make payment, etc.,—

* "Federalist," XIX., XX.

† The ancient system of requisitions, resting on the taxing power of the states, was to be superseded by a system of national taxation extending to every citizen, directly or indirectly. He thus proposed a scheme of federal taxation entirely new to the world.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

such solecisms in government are so nugatory and absurd that I really think to offer further arguments on the subject would be to insult the understanding of my readers. To make all these payments dependent on the votes of thirteen popular assemblies, who will undertake to judge of the propriety of every contract and every occasion of money, and grant or withhold supplies according to their opinion, whilst at the same time the operations of the whole may be stopped by the vote of a single one of them, is absurd."

In the place of the lifeless federal system of absurdity embodied in the Articles of Confederation, Pelatiah Webster proposed to substitute a self-executing and self-sustaining national system, based on the following propositions, stated in his own language:

"The supreme authority of any state must have power enough to effect the ends of its appointment, otherwise these ends cannot be answered and effectually secured. . . . I begin with my first and great principle, viz., *That the constitution must vest powers in every department sufficient to secure and make effectual the ends of it.* The supreme authority must have the power of making war and peace—of appointing armies and navies—of appointing officers both civil and military — of making contracts — of emitting, coining and borrowing money—of regulating trade—of making treaties with foreign powers—of establishing post-offices—and in short of doing everything which the well-being of the Commonwealth may require, and which is not compatible to any particular state, all of which require money, and cannot possibly be made effectual without it. . . . *This tax can be laid by the supreme authority much more conveniently than by the particular assemblies,* and would in no case be subject to their repeals or modifications; and of course the public credit would never be dependent on, or liable to bankruptcy by, the humors of any particular assembly. . . . The delegates which are to form that august body, which are to hold and exercise the supreme authority, ought to be appointed by the states in any manner they please."

After describing the qualifications of members of Congress, he proceeds to define a part of the original jurisdiction of the Supreme Court of the United States by saying "that the supreme authority should be vested with powers to terminate and finally decide controversies arising between different States." Then comes the climax:

"The supreme authority ought to have a power of peace and war, and forming treaties and alliances with all foreign powers; which implies a necessity of their also having sufficient powers *to enforce the obedience of all subjects of the United States to such treaties and*

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

alliances with full powers to unite the force of the States, and direct its operations in war; and to punish all transgressors in all these respects; otherwise, by the imprudence of a few, the whole Commonwealth may be embroiled with foreign powers, and the operations of the war may be rendered useless. . . . I think the soul that sins should die, *i.e.*, the censure of the great supreme power ought to be so directed, if possible, as to light on those persons who have betrayed their country, and exposed it to dissolution, by opposing and rejecting the supreme authority, which is the bond of our union, and from whence proceeds the principal strength and energy of our government. I therefore propose that every person whatever, whether in public or private character, who shall, by public vote or other overt act, disobey the supreme authority, shall be amenable to Congress, shall be summoned and compelled to appear before Congress and, on due conviction, suffer such fine, imprisonment, or other punishment, as the supreme authority shall judge requisite."

Here at last we have the great thought of which neither Thucydides nor Polybius ever dreamed—the thought of a supreme federal government acting directly upon the subject or citizen, and not upon the cities or states composing the league. About this path-breaking idea *(bahnbrechende Idee)* there does not hang the perfume either of the spelling-book or the lexicon. It is living, seed-full fruit—Pallas from the brain of Zeus. In formulating his conclusions as to the supremacy of federal law acting directly on all citizens, he said:

"1. No laws of any state whatever, which do not carry in them a force which extends to their effectual and final execution, can afford a certain or sufficient security to the subject: this is too plain to need any proof. 2. Laws or ordinances of any kind (especially of august bodies of high dignity and consequence) which fail of execution, are much worse than none; they weaken the government; expose it to contempt. A government which is but half executed, or whose operations may all be stopped by a single vote, is the most dangerous of all institutions. I take it that the very existence and use of our union effectually depends on the full energy and final effect of the laws made to support it; and therefore I sacrifice all other considerations to this energy and effect, and if our union is not worth this purchase we must give it up."

Around that fundamental concept all lesser things cluster. Such a national government as Webster planned must of necessity be strictly organized. He therefore proposed:

"That the Congress shall consist of two chambers, an upper and lower house, senate and commons, with the concurrence of both necessary to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

every act; and that every state send one or more delegates to each house: this will subject every act to two discussions before two distinct chambers of men equally qualified for the debate, equally masters of the subject, and of equal authority in the decision."

After thus proposing a federal assembly on the English bicameral plan, which was adopted by the Convention, he proceeded to outline the executive and judicial departments as follows:

"These ministers will of course have the best information, and most perfect knowledge, of the state of the Nation, as far as it relates to their several departments, and will of course be able to give the best information to Congress, in what manner any bill proposed will affect the public interest in their several departments, which will nearly comprehend the whole. The Financier manages the whole subject of revenues and expenditures—the Secretary of State takes knowledge of the general policy and internal government—the Minister of War presides in the whole business of war and defence—and the Minister of Foreign Affairs regards the whole state of the nation, as it stands related to, or connected with, all foreign powers. To these I should add judges of law and chancery. I would further propose that the aforesaid great ministers of state shall compose a Council of State, to whose number Congress may add three others, viz., one from New England, one from the Middle States and one from the Southern States, one of which to be appointed President by Congress."

His pet hobby seems to have been to create a Department of Commerce in close touch with Congress.

"I therefore humbly propose, if the merchants in the several states are disposed to send delegates from their body to meet and attend the sitting of Congress, that they shall be permitted to form a chamber of commerce, and their advice to Congress be demanded and admitted concerning all bills before Congress, as far as the same may affect the trade of the states."

The recent creation of a Department of Commerce and Labor has at last effectuated that idea. Webster's plan was a complete symmetrical whole, and of it he said in conclusion:

"This vast subject lies with mighty weight on my mind, and I have bestowed on it my utmost attention, and here offer the public the best thoughts and sentiments I am master of. I shall have all the reward I wish or expect, if my dissertation shall throw any light on the great subject, shall excite an emulation of inquiry, and animate some abler genius to form a plan of greater perfection, less objectionable, and more useful."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The "abler genius" did not come; he was not needed; the original architect had outlined the general plan; modifications and improvements only were necessary. The most important subsequent suggestion came from Jefferson, who in a letter to Madison, written from Paris, December 16th, 1786, used this language:

"To make us one nation, as to foreign concerns, and keep us distinct in domestic ones, gives the outline of the proper division of powers between the general and particular governments. But to enable the federal head to exercise the powers given to best advantage, it should be organized as the particular ones are into legislative, executive, and judiciary."*

As an assistant architect, Jefferson gave more distinctness to Webster's plan at a vital point. It thus appears that the architects of our present Federal Constitution, who never sat in the Convention of 1787, completed the plan before it met. Mighty as were the members of that body, they were only master builders who worked within the lines of a carefully prepared plan—they were not architects.

When the final analysis is made, it appears that our career as a nation has so far given birth to only three basic political ideas, which may be considered as original contributions to the Science of Politics:

(1) Constitutional Limitations on legislative power, a state creation, from which resulted the power of courts to declare legislative acts null and void. The ultimate outcome of that invention, which has no personal author, was the Supreme Court of the United States, the only court in history ever armed with the power to pass on the validity of a national law.

(2) Interstate citizenship, an invention without a personal author, which originated in the Articles of Confederation. That principle infused itself into the constitution neither of the old German Empire, nor of Switzerland, nor of Holland. From the Articles of Confederation it passed into section two of article four of the present Constitution, which provides that: "The citizens of each State shall be entitled to all privileges and immunities of citizens of the several States." The consummation is embodied in the first section of the Fourteenth Amendment, which has no personal author, declaring that: "All persons

* See "Jefferson's Correspondence," by T. J. Randolph, vol. ii, pp. 64, 65.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

(3) The idea of a supreme federal government, strictly organized, and operating directly on the citizen, and not on the States composing the federation, was the invention, without doubt or cavil, of Pelatiah Webster, a native of Connecticut, an adopted son of Pennsylvania, and a graduate of the University of Yale. Has any one of those great communities ever produced in any other person so great a son? His grandeur is equalled only by the neglect of his fellow countrymen. In McCulloch *vs.* Maryland, Chief Justice Marshall said:

> "A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves."

Pelatiah Webster drew the "great outlines" of our Federal Constitution; he set up the framework of governmental timbers, leaving the inner construction to be completed by the members of the Federal Convention of 1787, and by the power of defining the law vested in the Supreme Court of the United States. Marshall's reward for his part of the work is world-wide fame and an imposing monument at the door of the Capitol. And yet without Pelatiah Webster John Marshall's work would have been impossible. He simply gave vitality, through the judicial power, to the new national fabric which Webster had evolved.

Not long ago, the good people of Philadelphia, ever proud of their worthies, took, with pomp and circumstance, all that was mortal of James Wilson from his lonely grave at Edenton, North Carolina, and gave him tardy sepulchre near the scene of his triumphs; while, by a brilliant pen, he was presented to the world as "a nation-builder." Great, prophetic, patriotic, cultured, as James Wilson really was, how small his achievements really are when contrasted with those of the real founder, the real "nation-builder." The day cannot be far distant when fair and impartial

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

criticism must award to Pelatiah Webster his place, so long withheld, as the original designer of our Federal Constitution, made in the Convention he was the first to propose. His fame rests upon clear documentary evidence, which neither envy, nor malice, nor injustice, nor indifference can always ignore. His original and complete plan of the existing Federal Constitution is embodied in the thirty compactly printed pages of the epoch-making paper of February 16th, 1783, whose form is as good as its substance. Like the great Papinian, he was as lucid as a Greek and as terse as a Roman. Political philosopher, financier, patriot, man of affairs, he possessed every qualification for his great task, which he executed in a state of mental exaltation that seems to have been almost supernormal. In both of the scanty and stingy biographical notices of him in the leading American encyclopædias, the statement is made that his plan "is mentioned by James Madison as having an influence in directing the public mind to the necessity of a better form of government." Bancroft, in his "History of the Constitution," * states, in his cold, colorless way, that:

> "The public mind was ripening for a transition from a confederation to a real government. Just at this time Pelatiah Webster, a graduate of Yale College, in a dissertation published at Philadelphia, proposed for the legislature of the United States a congress of two houses which should have ample authority for making laws 'of general necessity and utility,' and enforcing them *as well on individuals as on states.* He further suggested not only heads of executive departments, but judges of law and equity."

While the great invention of a federal government acting directly on the citizen, for which the world had been waiting for more than two thousand years, is thus languidly admitted, it wins less acclaim from this arctic historian than would be awarded to-day to the inventor of a non-explosive tire for an automobile. The great and acute author of "The American Commonwealth," who seldom overlooks anything, gives no sign that he has ever heard even the name of the original designer of the Constitution of the United States. For this marvellous and cruel neglect of such a man, by a patriotic people ever handy with monuments, only one explanation can be given. When the Convention of 1787 adjourned, its members seem to have been overcome at the

* Vol. i, p. 86.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

close by the grandeur of an achievement they assumed to be all their own. When the masses of the people had the opportunity to examine its provisions, and to feel the practical benefits which it wrought in their political condition, they too became imbued with a spirit of intense admiration; they put it upon a pedestal and made it a popular idol; as a German historian has expressed it, the new Constitution soon passed through a process of canonization. In that way the idea crystallized that the new idol was manufactured, out and out, in a convention of demigods who sat only four months and three days. That purely fanciful notion is fast giving way before the Historical Method, which looks behind written constitutions in order to ascertain the genesis of the ideas that entered into them. When scrutinized by students of that school, who believe that beneath every shell there is an animal, behind every document there is a man, Pelatiah Webster's claim to the personal authorship of the scheme of federal government embodied in the Constitution of the United States presents no difficulties whatever. According to all legitimate canons of criticism, his claim to the authorship of that plan, severed from details and considered as a connected whole, is as clear as Jefferson's to the authorship of the Declaration of Independence. Let us hope that the day is near at hand when the claim of the New England patriot and philosopher will be frankly admitted, and an imposing monument erected on some lonely eminence near the Capitol at Washington to the original designer of the unique plan of federal government embodied in the Constitution of the United States.

HANNIS TAYLOR.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SINN FEIN.

BY SEUMAS MAC MANUS, AUTHOR OF "A LAD OF THE O'FRIELS," "DONEGAL FAIRY-STORIES," ETC.

VERY quietly and silently, during the past decade, a change has been coming over the face of things political in Ireland, a change of which the outside world even to-day knows little. Yet the change is one of the greatest, most revolutionizing, that Ireland has known for a century—singular, too, among changes in Ireland, and all the more powerful, perhaps, because of the grim silence in which it has been wrought. While the outside world was looking to the Irish Parliamentary Party as the guardian of the national conscience of Ireland, a Young Ireland Party, determined, virile, thoughtful, idealistic and, strange though it may seem, practical, was gradually forming, becoming a power, sweeping away outworn ideas, preaching new and putting them into practice, and working wonders in the revival of a genuine national spirit throughout the country. It was not a party formed with malice aforethought, but one called forth by the exigencies of the times; a party, consequently, that existed long without form and without name. Some of its component units had been devoting themselves to stemming the tide of emigration; some to reviving industries; a greater portion studying, and making all whom they came in contact with study, the dying language of the nation; some working along political lines; some clamoring for the rearing of forests, and still others building creameries or bringing into the country new breeds of hens—but all driving to one goal, the regeneration of the Irish nation. Naturally, and very gradually, the various units gravitated toward one another; and, less than two years ago, under the guidance of a Dublin boy named Arthur Griffith, they elected a

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

National Council, and formed themselves into a party known as the "Sinn Fein Party," which included probably three-fourths of the national thinkers in Ireland. Since its inception, the Sinn Fein Party has been rapidly gaining power, raising itself upon the ruins of a fast crumbling Parliamentary agitation, and eventually leaping into greater popular prestige when, recently, the ludicrous Irish Councils Bill was submitted to the nation as the fruits of a generation of Parliamentary agitation.

"*Sinn Fein*" is Gaelic for "Ourselves." The doctrine of the Sinn Fein Party is that the salvation of a nation is to be wrought out by the people and upon the soil of that nation, and it holds that "God helps those who help themselves." It asks Ireland to cultivate, what for a long time it neglected, self-reliance, and aims at regenerating the Irish nation, not merely politically, but also linguistically, industrially, educationally, morally and socially. Almost all preceding national movements made the grave mistake of considering politics coincident with patriotism; the Sinn Fein policy provides for all-round upbuilding of the nation, and is successfully working along many lines on which no political movement touched before.

I said that the new movement was rising upon the ruins of the so-called Parliamentary movement. Not merely were thinkers slowly forsaking the old methods for the new, but practically no new material whatever has been going to repair the breaches in the old; for, as the young men and women of Ireland are reaching the age at which they take thought for their country, they are falling into the ranks of the new movement. There is absolutely no accession of new blood flowing to the old movement—nor has there been for five years past.

The case made by thinking Ireland against the rapidly dissolving Irish Parliamentary Party is, not merely that they have fallen away from the ideals which they cherished, say, in Parnell's heyday, and in weak moments, for mere temporary advantage, yielded some of the principles most cherished in Ireland; that they have shown the spirit of slavish complaisance and compromise, admitted into their ranks most unworthy, un-Irish, members, totally neglected many of the noblest national interests, and in some cases, as in their attitude toward the Gaelic League, actually adopted a spirit of cloaked hostility; and in consequence of this, and many other sins, that they have become

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

impotent, and the mere pawns of British parties who used them when they could be useful, and brushed them aside when they were in the way—not merely that Ireland spent in London, for the support of her Members, £25,000 annually, which was badly needed to build mills and give employment and help the Gaelic revival, or otherwise forward national interest at home; but, greatest objection of all, they have, says the Sinn Fein Party, transferred the scene of struggle from its rightful and profitable place, the soil of Ireland, to its wrongful and unprofitable place, the floor of a foreign House of Parliament. It is claimed that this fighting of Ireland's fight in the Parliament of the stranger not merely weakens Ireland's political case, but demoralizes the nation by lifting her eyes and her mind from off herself, and fixing them on that foreign Parliament, leading her to believe that salvation shall, and must, come to Ireland from Westminster, instead of causing her to realize that salvation must be wrought out in Ireland by Ireland; and that the means of salvation were, all the time, lying at hand, neglected and despised.

The Parliamentary Party committed a great crime against the nation when, during the long-sustained Parliamentary agitation, they, while they had the country as a unit at their beck, never asked the country to do the things which lay at hand for its regeneration. Seeing the flower of the country depart in shiploads that darkened the seas, they never cried out, "Stick by the soil." Seeing our industries languish and die, they troubled not to revive or save them. Seeing the education of the country mismanaged, they objected not. Seeing the demon of Anglicization overrun the land, they showed not the people to cast out the demon, as easily they could. Seeing the soul of the nation passing away with the passing language, they raised no voice in protest. Yet, with wonderful and heroic energy, did they fight for some doubtful boon which was named "Home Rule"; they seemed utterly to disregard the question, whether, when (if ever) that Home Rule should be obtained, any would be left in Ireland to enjoy it, or, if any were, whether they would be Irish or merely soulless nondescripts.

In the thirty-five years during which the Home Rule Party has been busy regenerating Ireland in the British Parliament, Ireland's Gaelic speakers decreased by a third of a million, her population fell away by more than one million, we were sending

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

out of Ireland an annual average of £13,000,000 for foreign manufactured goods, and 980,000 acres of land went out of tillage, while we sent an annual average of 60,000 of the fittest of our boys and girls abroad to seek employment—and never to return. The two things which thrived in Ireland during the same period were paupers and taxes. In that period the paupers increased by 32,000, or one for every square mile, and British Government taxes increased from £6,900,000 to £9,700,000.

The wresting from England of a something known by the magic name of "Home Rule" was far above all other national considerations of moment, far beyond that of the people's material and moral and national well-being. In the fierce thirty-five years' struggle—now ended—for a parish Parliament, the petty questions of saving to Ireland the outrushing youth of Ireland, of feeding the hungry mouths that remained in Ireland, of elevating them morally, or giving them ideals, could not be tolerated to distract the people's attention from the gladiator strife at Westminster. The people, with pathetic faithfulness to the Party, made all the sacrifices demanded,* fought the fight, bore the blows, paid the piper, and refused to do for themselves any one of the hundred things they might have done, lest such would interfere with the concentrated train of thought necessary for absent treatment—at Westminster—and, at the end of all is tendered to them the promised salvation in the form of an Irish Councils Bill, which, while it amused the giver and tickled the world at large, gave Ireland a rude awakening.

As generations of Parliamentary agitation have distinctly set back Ireland's cause, and as there is on the English Statute-Book, still unrepealed, an Act popularly known as the Renunciation Act, passed in 1783, when the combined terrors of a war of Independence in America, and a huge army of threatening Volunteers in Ireland caused England's heart to melt—an Act which states that the right of Ireland to be bound only by laws

* It must not be imagined that the Party had a royal time while the people were making sacrifices. To their great credit be it said that none made greater sacrifices than did the members of the Party. They never asked the people to do anything which they were not themselves prepared to lead the way in. Slander, imprisonment, police batons, overwork, ill-health—they cheerfully underwent all for sake of the cause that was near to their hearts, but which they were, unwittingly, running to ruin. I do not know any other country in which the leading political party was more upright.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

enacted by the Parliament of Ireland "is hereby declared established and ascertained forever, and shall at no time hereafter be questioned or questionable," the Sinn Fein Party in Ireland, following the example so successfully set by Hungary, under Deak, call upon the Irish people to hold England bound at least by her own solemn assertions; to withdraw their representatives from illegal attendance at England's Parliament; and to establish in Ireland, for the nation's guidance, a Council of the Nation. This Council should, as far as possible, pass laws, to be put in force by Arbitration Courts (a course not unknown to Ireland), and should plan how best to uplift the nation by the nation's own efforts—to regenerate it morally, socially, educationally, agriculturally, industrially, linguistically and politically; and also plan and direct the carrying on of a resistance (both passive and active) to all British law, and, as far as possible, to all British levied taxes, an agitation aimed at harassing England, and paralyzing England's efforts at every turn in Ireland, and—by alliance with other wronged peoples, in other parts of the world—outside of Ireland, too. This new policy would be both obstructive and destructive: while the energies of some would be turned to the good work (at present going on) of depriving England's Army and Navy of the recruits whom they have so long depended upon in Ireland, others would foster new industries; others, salaried out of the £25,000 a year saved to Ireland by the withdrawal of her Members from Westminster, would act as foreign Consuls, finding foreign markets for the output of our factories; and still others would be preaching and teaching Gaelicism. No nation can persist in governing another against the will of the governed. Ireland, if she will,—and I think she will,—can make it impossible for England any longer to govern her, at least unless England concentrates upon the governing of Ireland all the energies, moral and physical, which in the natural course she needs to distribute over her vast Empire: and soon would she realize that this does not pay. The harder England pushes the fight—and at the start she will push it hard enough—the more fuel will she add to the Irish fire. Our people never develop real gusto in a fight until the hardest knocks begin coming their way; and it is certain that the easiest method of vanquishing an Irishman is to leave him severely alone.

Many sensible, earnest people will at first sight claim that the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

withdrawal of the Irish Members from Westminster will be disastrous to Ireland—pointing out all the good measures that, as it seems to them, the Irish Party in Parliament have won for Ireland. The good earnest people who think so are, unfortunately, not as thoughtful as they are good and earnest. Ireland is legislated for in the British Parliament, just as the British majority desire. While the Irish representation present have but the faintest effect in modifying this legislation, and never in directing it, still the fact that they are present, that they take part in it, that they haggle for tuppence-ha'porth more value at this point, for a little less repression at that, and for permission to call their souls their own at a third point, satisfies to itself the complaisant conscience of the British Parliament, and saves its face to the world. Whereas, if the Irish representation withdrew in a body, and threw the *onus* of all Irish legislation upon the British Parliament, the latter would be left in the position of the judge, who, coming to convict, but indiscreetly provoking the counsel for the defence into throwing up the brief, found on his shoulders the *onus* of the life of the man in the dock, and was thus forced for the most selfish of reasons to fight the case for the defence himself, charge the prisoner and set him free. Furthermore, it weakens our cause when, while proclaiming that Britain has no right to govern us, we send to her Councils, every year, the picked men of our country, to aid the wronger in the doing of wrong. Finally, it is a mistake to suppose that the withdrawal of the Irish representation from Westminster would be a loss to Ireland, "because the Irish Parliamentary Party has already wrung notable concessions from Britain." That has not yet wrung from Britain as much of a concession as would pay deck-fare for the Party between Kingstown and Holyhead. All "concessions" wrung from Britain by Ireland were wrung by the people of Ireland, struggling for Ireland, on the soil of Ireland, making it impossible, or impracticable, for the English to get along without yielding the concession. The greatest concession of the century that has passed was the Catholic Emancipation Act of '29. And then we had an Irish Parliamentary Party of—one! It will hardly be contended that he floored the British Government — brave man though he was. After the Emancipation Act was passed, the Tithes question was the burning one of the day in Ireland. The

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

people of Ireland, naturally, thought it unjust that they should pay Tithes to a Church to which they did not belong. In 1831, the Tithes agitation was convulsing Ireland. Dan O'Connell, assuring the people that he would get Parliament to rectify that, appealed to the Government to suspend the collection of Tithes in Ireland pending the result of a Commission that had been appointed to inquire into the subject. Parliament laughed at Dan for his pains. To the end of a dozen blue moons, O'Connell might have agitated this question in Parliament, to the continued amusement or boredom of the House, had not the people taken a more persuasive way of reaching the ear and the heart of England, by resisting the collection of Tithes even to bloodshed. Then England at once hearkened to Ireland's voice, and sent speedy order over the land that all collecting of Tithes must be immediately stopped. At the reopening of Parliament, the King of England, for the first time, begged his faithful Lords and Commons to give careful consideration to the question of Tithes in Ireland! And a Tithes Act followed. Dan O'Connell's great and continual agitation in Ireland was successful, because it was agitation for Ireland in Ireland. It would have been more successful had he not divided the people's attention by turning their minds at the same time to the British Parliament.

The other greatest Acts of the century were the Church Disestablishment Act of '69, the Land Act of '70 and the Land Act of '81. When the two former Acts were got we had no Irish Parliamentary Party whatever; Ireland was represented only by Tories and place-hunting Whigs. In a speech in Parliament, afterwards, Gladstone confessed that it was Fenianism which caused him to disestablish the Church. And Mr. John Redmond, the present Leader of the Irish Parliamentary Party, confesses (in his introduction to Barry O'Brien's "Seventy Years of Irish History") that: "It was Fenianism that disestablished the Church and carried the Land Act of '70." Again, regarding the great Land Act of '81, Gladstone, in a speech after the event, said: "I am now free to confess, that if it were not for the Land League in Ireland, the Act of '81 would not be in the Statute-Book." And so, if, descending from the larger Acts, we were to examine the smaller, we should find in every instance that every concession wrung from England was wrung from her by the agitation of the people of Ireland, in Ireland, and that the se-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

curing of these concessions was quite irrespective of the fact that there was or was not an Irish Party fighting for Ireland "on the floor of the British House of Commons"; and, furthermore, that the value of the concession was ever in direct proportion to the intensity of the struggle upon the soil.

There was one fight, indeed, put up for Ireland, and well and bravely put up, on "the floor of the House"—and there only. About a dozen years ago, a Royal Commission found, after exhaustive inquiry, that a paternal Government had accepted from Ireland a trifle of £250,000,000* over and above her just contribution to the Imperial purse. This fact awakened the slumbering patriotism even of the anti-Irish portion of Ireland, the Conservative, landlord and Orange classes, and both Nationalist and Conservative Irish Members of Parliament joined, for the first time, in demanding the redress of an Irish grievance in Parliament—asking that the sum unjustly taken from Ireland should be restored to her. This question was well and stubbornly fought, *in Parliament,* by a united Irish representation. Though there were many meetings on the subject in Ireland—meetings to a great extent organized and addressed by landlords and Conservatives, the titled and the well-to-do—the Financial Relations Question, as it was called, never took a hold upon the hearts of our people, and well and stubbornly though it was fought in Parliament, the Briton did not relax his grasp upon the millions which his own Commission confessed he had wrongly taken, nor yield a solitary cent in restitution. The Briton's proverbial sense of fair play, however, was exemplified in the fact that the Irish Nationalists, Unionists and Conservatives were allowed unstinted scope, and had even days set specially apart for airing the great grievance. Orating in Parliament, by the Irish Members, the Briton, on the whole, loves to encourage; it is a capital safety-valve.

The Young Ireland which has found form in the Sinn Fein Party is not a young Ireland of theory merely; it is a young Ireland of thought coupled with action. Recognizing that the language of a nation is a nation's dearest asset—the nation's soul, in fact—and seeing that its language was rapidly passing from Ireland, while as it receded a wave of Anglicization was oversweeping the land, the thoughtful ones set themselves to the

* In less than fifty years.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

great, the seemingly hopeless, task of stemming this tide, and bringing back over Ireland the vanishing Gaelic tongue—knowing well that should they succeed in restoring to Ireland its tongue, with it would come all the good old Irish characteristics that the people had been fast losing, the characteristics that were their own, and that suited them, of course, far better than the characteristics natural to another very distinct people could suit them—characteristics from which, alone, their good qualities and their great qualities (if they had such) could be developed. Such was the shameful demoralization caused by Anglicizing influences in Ireland that our language, by all philologists admitted to be one of the world's rare linguistic possessions, had fallen from esteem; the well-to-do, grown English in mind, despised it, and the poor grew ashamed of it; it was practically banished from the schools, and had almost been silenced in the churches, while in the Courts of Law, poor mountain men, who knew too little English to warrant their taking oath in that language, were threatened with imprisonment for insisting upon the use of their own language. To all intents and purposes, it seemed to have become a language of the past, when the younger Ireland, taking thought, said that for the nation's salvation it must again be the language of Ireland. Twelve years ago, the language was being taught to, at most, a bare few thousand pupils, and the workers in the cause might be reckoned upon one's fingers: to-day the workers are reckoned by the thousand; between pupils of National schools, Intermediate schools, Convents and Colleges, and adults at night classes, there are a quarter of a million studying the Irish language. Irish Colleges for the teaching of pupils in Irish only, and for the training of teachers to teach Irish, have been established in the four Provinces. Many Railways and Banks have been compelled to recognize Irish: for thousands of positions to which Irish boys and girls aspire to-day, a knowledge of Irish has become an absolute necessity. Many District Councils, County Councils and some city Corporations have made it a rule that positions in their gift will not henceforth be awarded to any person who knows not his own language: scores of newspapers and periodicals give a portion of their space to the printing of Gaelic items in Gaelic type; there are some periodical publications printed entirely in Gaelic; and the output of Gaelic literature, in the form of fiction, poetry,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

drama and history is great—some hundreds of thousands of Gaelic books being put forth by the press in each of these years. The Gaelic League has its network of Branches all over Ireland and in almost every corner of the world where bands of earnest Irishmen are to be found. After a hard fight with the Commissioners of so-called "National" Education in Ireland, the teaching of Irish was, in the primary schools, established on a fairly favorable basis, enabling and inducing a great portion of the teachers to teach it; and the fight for its proper recognition in the schools still goes on, and will continue until, with God's help, it is made, as it should be, compulsory in every primary school in Ireland—made, at least, of equal importance with the English language, taught side by side, and step by step, with it. Ten years, at most, will see this latter fight fought and won; then will all the rising generation acquire the knowledge and the use of the Irish language, and in a quarter of a century from now, while a knowledge of English will still be with our people, our own language, the language that was thought dead, will once more be the language of the fireside, and—so far as it can—the language of the Church and the language of the Council and the language of our literature—the language of Ireland.

The revival of the language,—with its hundred beneficial results,—is only one of several planks in the platform of the new party. It recognizes, for instance, that a first necessity for, not merely a new and great Irish nation, but an Irish nation at all, is that the Irish people must be preserved to the nation. It recognizes that in seventy years Ireland, notwithstanding the beneficent influence of British rule, lost one-half of her population, while the small countries of the Continent, worse circumstanced than Ireland in many respects, but laboring under the blighting influence of their own rule, or, at worst, tyrannical Russian rule, have some of them increased by fifty, some by seventy and some by one hundred per cent. Emigration, of course, was the terrible drain upon Ireland. Want of employment was the root of the evil. This emigration, say the new party, must stop. Had we the right of governing ourselves, it had been an easy task to remedy it. But even without that right, say the determined young party, it can and shall be remedied by a little display of energy and of patriotism on the part of the Irish people. For the purchase of goods of foreign manufacture there is sent out

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of Ireland, annually, thirteen million pounds—the greater portion of which could be kept at home, giving employment to many thousands who otherwise must go abroad to seek a livelihood. Anti-emigration and industrial movements are linked together. The industrial crusade is a live one, and one that is working wonders. In this as in other things the thinkers and workers of young Ireland do not depend upon precept alone for the instilling of their new doctrine—they practice what they preach. The thousands of workers in the Gaelic League and Sinn Fein clothe themselves from crown of head to sole of foot in articles of Irish manufacture, and use likewise, so far as possible, only Irish-made articles in their daily avocations and relaxations, even down to the matter of the match which they apply to their Irish-made pipe. The example by them set is spreading, not merely to those in sympathy with them in their political aspirations, but even to an important section of the pro-British body in Ireland, who, lacking a higher kind of patriotism, may always be reached by the patriotism of the pocket; for they, finding that their business has in many instances materially improved under the influence of the new industrial doctrine, have become convinced that it is a fine thing for Ireland, and have come to preach and practise it in their turn. The result of this particular portion of the movement is that all manufactures in Ireland have materially increased their output during the past few years. Some, notably weaving and paper-making, have doubled their output; and several new manufactures have sprung up to meet the new demands. Wages have materially increased in Ireland, employment is much more plentiful than it was and the necessity for emigrating much less. Of course, emigration has not ceased, as the necessity ceased. Let a great habit take possession of a nation, and you may not break it in a day, nor in a year, nor, maybe, in ten years. But remove the cause and, in addition, give a new mental attitude, and the habit must gradually disappear. Emigration from Ireland, on any important scale, will be, ere long, I think, a thing of the past; and immigration, which has hitherto been insignificant, will increase. I do not think this immigration will be of such notable extent as materially to affect the population figures; but, as Ireland gets more prosperous materially, brighter socially and more hopeful nationally, greater numbers of our people who have made fortunes in America will

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

return to settle down with us; and the coming again of these, to the home of their fathers, will have marked effect morally, if not numerically.

Still another practical work that young Ireland is and has been successfully performing, is the eradication of the drink evil. Though, as shown by statistics, and despite popular tradition, an Irishman drinks less than either the Englishman or the Scotchman, the Young Ireland Party are determined that, in the future, the Irishman's annual drink bill will not bear comparison with that of Englishman, or Scotchman, or Frenchman, or American. They hope by taking hold of the rising generation, and enlisting them in an anti-drink crusade, entirely to eradicate the drink habit here. The workers in the new movement are almost entirely non-drinkers; thousands of them have come to consider it disgraceful to enter a public house. Recognizing, too, that the treating habit in Ireland was responsible for far more drinking, and even drunkenness, than was love of drink itself, they adopted an anti-treating pledge, a pledge forbidding a man either to take a treat or give a treat, and have carried on, throughout the country, an anti-treating crusade, till now there are hundreds of thousands of people in Ireland pledged against treating, which, it is confidently believed, will fast fall into disrepute and disuse. The anti-drinking portion of the new party's programme cuts two ways: not only must it uplift the country morally and materially, but it may deprive England of a five-million-pound drink revenue, which has been annually going into the Imperial exchequer from Ireland.

The foregoing are, maybe, the more important of the many activities of the very virile Young Ireland that, pursuing the policy of Sinn Fein, is going to draw the world's attention to itself immediately. It is a more thoughtful Young Ireland, this, than any Young Ireland yet known to history. The new Party has the signal advantage over all predecessors, that it is not merely a political party: while a considerable portion of its forces carries on the war, offensive and defensive, with the enemy, another important body is nation-building, and the two bodies are capable of, and are, relieving each other. The struggle shall go on till Ireland's rights, complete, sovereign and independent, are wrung from the power that has so long held them wrongfully.

SEUMAS MAC MANUS.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE YELLOW PRESS OF JAPAN.

BY A. MAURICE LOW.

SINCE the outbreak of hostilities between the United States and Japan—in the yellow press of both countries—a curious idea has obtained currency in America. Japan having exercised during the war with Russia the most wonderful press censorship that has ever been known in the history of journalism; and the press of Japan having displayed unexampled patriotism by publishing only such news as might be of advantage to national interests, and having refrained from publishing a single word that might cause embarrassment, Americans have been led to believe that the censorship of the press in Japan is more rigid and more strictly enforced than in Russia even, and that nowhere in the world does the Government more autocratically exercise its power in controlling the press. To us of the West, Japan is a mystery, and its greatest mystery is the duality of its psychology—the dual personality of every Japanese, who in peace is simple, frank, light-hearted, singularly impressionable to color and form, and democratically independent; but in time of war is nothing, sees nothing, does nothing except as the incarnation of patriotism. This transformation, which affects an entire nation, is no more strikingly displayed than by the press.

The taunt used to be flung at the Japanese in the early days of the war with Russia that as imitators they were inimitable. The Japanese was clever, that could not be disputed, but it was the cleverness of mimicry, not that of creative ability. To that indictment the Japanese smilingly pleaded guilty, with a reservation. They had imitated, or, more correctly, they had assimilated, everything that was best, improved on it where it was necessary, and adapted it to their own peculiar needs. It is not surprising, therefore, that the Japanese Constitution, broadly

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

patterned on that of England, but in one respect, at least, more nearly resembling that of the United States, should contain a provision respecting the freedom of the press. The English Constitution is unwritten; it is statute law, and the law of precedent and custom; it is what the people and Parliament make it to keep pace with the spirit of the age; as rigid as the stone walls of the palace at Westminster, as flexible as a bow of steel. The American Constitution is a code narrow and defined. Japan's Constitution is written. The Constitution of the United States guarantees freedom of speech and liberty of the press in these terms: "Congress shall make no laws . . . abridging the freedom of speech, or of the press." Article XXIX of the Japanese Constitution, in almost similar terms, provides that "Japanese subjects shall, within the limits of law, enjoy the liberty of speech, writing, publication, public meetings and associations."

The Marquis Ito, in his commentaries on the Constitution, says:

> "Speeches, writings, publications, public meetings and associations are the *media* through which men exercise their influence in political or social spheres. In every constitutional country full freedom is granted in all of these particulars, in so far as there is no abuse of them by way of commission of crime or of disturbance of peace and tranquillity; and it is hoped that in this way interchange of thought may be promoted, and that useful materials may thus be supplied for the advancement of civilization. But as every one of these edged tools can easily be misused, it is necessary, for the maintenance of public order, to punish by law, and to prevent by police measures delegated by law, any infringement by use thereof upon the honor or the rights of any individual, any disturbance of the peace of the country, or any instigation to crime. These restrictions must, however, be determined by law, and lie beyond the sphere of ordinances."

The freedom of the press in England is part of the result of the long struggle between democracy and special privilege. With the invention of printing, the press was placed under the censorship of the Church, and in England became a royal prerogative; men were whipped and imprisoned and mutilated for printing without a royal license, until the force of public opinion drove Parliament to abolish the censorship of the press, and the famous letters of Wilkes and Junius brought about a modification of the drastic law of libel and laid the foundation of the real freedom of the press of England.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The "war powers" of Congress are unlimited, but undefined by the Constitution. To meet the extraordinary emergency of war, the Government of the United States has established a censorship of the press, and has suppressed newspapers guilty of treasonable utterances or that gave aid and encouragement to the enemy. Great Britain is governed by Parliament and ruled by the Cabinet, and whatever the Cabinet does is constitutional, but it has no power to exercise control over the matter a newspaper may publish. The contrast between the attitude of the press in Japan during their war and the English press during the Boer war produced such a profound impression upon many English public men that, last year, an effort was made to secure the passage of a law which would give the Government a certain control over the press in time of war; but the matter has not yet advanced beyond the stage of discussion. The framers of the Japanese Constitution, recognizing the menace of an unbridled and irresponsible press, when a nation is at war, with extraordinary foresight put a clause in the Constitution by which the press is rendered impotent to do harm in a time of national peril. The fourteenth article of the Japanese Constitution provides that: "The Emperor declares a state of siege. The conditions and effects of a state of siege shall be determined by law." Marquis Ito, in his commentaries, says that a state of siege is to be declared at the time of a foreign war or of a domestic insurrection, for the purpose of placing all ordinary law in abeyance, and of entrusting part of the administration and judicial powers to military measures. He continues:

"The present article expressly provides that the conditions requisite for the declaration of a state of siege and the effect of the declaration shall be determined by law, and that, in pursuance of these provisions thereof, it appertains exclusively to the sovereign power of the Emperor, under stress of circumstances, to declare or revoke a state of siege. By 'conditions' is meant the nature of the crisis when a state of siege is to be declared, the necessary limits as to territorial extent affected, and rules needful for making the declaration. By 'effect' is meant the limit of the power called in force as the result of the declaration of a state of siege."

By virtue of this article, at the outbreak of the war with Russia the necessary law was passed, and the press of Japan was brought under its provisions. It is probable that without such a

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

law the immanent spirit of patriotism that is such a marked characteristic of the Japanese people would have made them refrain from publishing anything that might have been of assistance to Russia, but the Japanese singularly combine the ideal with the practical. They take no chances when chances are to be avoided. The law was passed—drastic, ironclad, swift in its execution. No loopholes, no legal subtleties, no chance for delay. The press was under the heel of the military despot, as it is necessary that the press shall be when a nation is fighting for its existence.

But that was in time of war. In time of peace, Japanese newspapers do not materially differ from newspapers published in the United States or in England, in France or in Germany. There are responsible and respectable newspapers in Japan that pride themselves on their style, their accuracy and their moderation, precisely as do newspapers in the United States or in Europe; and there are yellow journals in Japan exactly as there are sensational papers in this country, and the ha'penny press in England, and the gutter rags of the boulevards in Paris. East and West, human nature is much the same. When Japan is at peace, there is little restriction placed on the press. It may publish what it pleases and what it thinks will suit its readers. There is the law of libel, which is the risk that every publisher must take. There is a law that prohibits the publication by a newspaper of confidential military, naval or diplomatic information. There are the laws protecting public morality. But of censorship, as it is exercised in Japan in war or in Russia at all times, there is none. The Japanese editor is as untrammelled as his American confrère. He may be ponderous or flippant, respectable or disreputable; dull or lively; he may defend the Government or attack it; he may be pro-American or anti-American; a trust-buster or a champion of the octopus, and he runs no risk of coming into conflict with the Government. With all their docility and suavity, the Japanese can be easily aroused to excitement, and in their politics they are as vitriolic and venomous as we proud Saxons, who in our conceit believe we possess a monopoly even of vices. In the whole of the Empire there is perhaps only one person immune from newspaper attack. The Constitution, recognizing that "the Emperor is sacred and inviolable," not even the yellowest paper ever discusses him except with pro-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

found respect, and although that sanctity does not extend to the princes of the blood royal, as a matter of fact they are seldom the subject of criticism by the newspapers. But with those exceptions no man occupies a station so exalted or so humble that he can escape journalistic assault. In that respect, there is little difference between journalism in America and journalism in Japan.

There are twelve principal daily papers in Tokio, ten of them appearing in the morning only, and two having both morning and evening editions. These papers are "*Niroku,*" or, in English, "The Whole Day" (these titles are transliterated rather than translated); "*Yorodzu-choho*" or "*Mancho,*" "All the News Published in the Morning"; "*Hochi,*" "Intelligence"; "*Miyako,*" "The Capital or City"; "*Chuoo,*" "The Centre"; "*Jiji,*" "Current Affairs"; "*Nichinichi,*" "The Tokio Daily"; "*Asahi,*" "The Morning News"; "*Yomiuri,*" "The Crier or the Herald"; "*Kokumin,*" "Nation"; "*Nihon,*" "Japan"; "*Mainichi,*" "The Daily." The first three—"*Niroku,*" "*Yorodzu-choho*" and "*Hochi*"—are preeminently the yellow papers of Japan, and so long as they exist there is no danger of yellow journalism becoming a lost art. They play the game for all it is worth; they pose as independent in politics and as the champions of the people; but, as a Japanese public man remarked, they are the organ of anybody or anything that is popular and will increase circulation, and they are usually in opposition to the Government, because that is generally the popular side, and, of course, they give much of their space to politics. But they are shrewd enough not to be overweighted with politics, and space is liberally used in the publication of "unwholesome news," again to quote this Japanese public man—scandals in high and low life with as many salacious details as the public authorities will permit, accidents, horrors, sensations of every description, all done in the highest form of the art with broad saffron strokes so as to produce the most telling effects. "*Hochi,*" being the yellowest of the yellow, is naturally more often quoted in the United States than the responsible newspapers—for the same reason that the newspapers of Mars which give columns to the report of a scandalous trial are better known to us by name than that distinguished scientific journal the "*Martian Canal*"—and is in some respects the most important and influential

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

paper in the Island Kingdom, dividing with the conservative "*Asahi*" the honor of having the largest circulation in Japan, estimated at about 120,000 a day. While "*Niroku*" and "*Yorodzu-choho*" profess to be independent in politics, "*Hochi*" is frankly the organ of the Progressive Party.

It is necessary here briefly to explain the party system in Japan. Although broadly modelled on the English system, with a ministry supposed to represent a majority of the electorate as represented in the House of Representatives, the Lower House of the Imperial Diet, Japan constitutionally is still in a transitional stage, and parliamentary government is as yet in its infancy. Instead of there being two great political parties in Japan, as there are in the United States and England, the Continental system of numerous groups exists, and in Japan as in France it is only possible for the Government to obtain a majority by the "*bloc*"—a coalition of groups forced to make common defence to escape being submerged by the Opposition. Speaking broadly, the Government's supporters at the present time, the Constitutional Party, are strict constructionists, while the Opposition, the Progressive Party, would decrease the constitutional power of the Emperor over legislation and increase the power of the Diet or the Parliament. The Cabinet is now really more responsible to the Emperor than to the people; and, although it may have forfeited the confidence of the House, it does not feel compelled to resign until the situation becomes in fact untenable. The Progressives would adopt the English system by which a Cabinet falls *ipso facto* when it no longer has a majority of the House behind it; and although nominally the Sovereign commands a certain man to form a Cabinet, in reality the Sovereign does not attempt to interfere with the free choice of the party leader, whose Cabinet, like his legislative programme, represents the party in a majority in the House of Commons. Since the promulgation of the Constitution in 1889, the Progressives have only for a very brief period fed at the flesh-pots of office, and they are now hungering and thirsting for power, which is an ideal situation for a party organ decked in yellow. American readers, therefore, should not become unduly alarmed when they read cabled extracts from the editorials of the "*Hochi*" or interviews in its columns, because its readers demand their daily meal piping hot and extravagantly seasoned.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Yellow journalism pays, in Japan as elsewhere, which proves that virtue must be content with its own reward rather than a bank account, and both "*Hochi*" and "*Yorodzu-choho*" have men on their staffs who write smartly and in a popular vein; and they keep correspondents in the United States and in England. Every Japanese newspaper of standing has correspondents in Korea and Manchuria because of the political and commercial interests involved, but it is only a few of the leading papers that can afford the luxury of regular correspondents elsewhere. It is interesting to note that, ten or fifteen years ago, "*Hochi*" was one of the most conservative papers in Japan and principally given up to politics; but, with the modernization of Japan, it entirely changed its character, and for business reasons found it more profitable to cease to be dull and heavy and respectable, and to become light, flippant and yellow. It has fallen a victim to that process of metamorphosis with which we are unfortunately familiar in another part of the world. Appealing to the masses, it makes a feature of fiction that from time immemorial has been read by a certain class—the story of the poor but virtuous girl, the heavy villain preying on virtue (in a shawl and a tattered skirt) and the rescuing hero. After all, the distance between the East and the West is bridged by a tawdry love-story in a penny paper.

Not yellow, but quite willing to be, succinctly sums up the character of "*Miyako*" and "*Chuoo,*" neither of which is a paper of large circulation or great influence, although the latter at one time had a standing as the organ of Marquis Ito. It was perhaps occasionally made use of by that eminent statesman, but not of recent years, and neither to its utterances nor to those of "*Miyako*" need undue importance be attached. They are both more respectable than the recognized yellow journals, but neither is sufficiently impressed with the responsibility of journalism to be regarded as typically voicing the public opinion in Japan.

Undoubtedly the most influential and authoritative newspapers of Japan are "*Jiji,*" "*Nichinichi*" and "*Asahi,*" which are widely read for their news as well as their editorial opinions, and accurately reflect public sentiment; usually acting as a restraining influence and upholding the hands of the Government and authority, although with courage and vigor criticising

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

when the public welfare demands criticism. All three are known as independent newspapers; and while "*Jiji*" and "*Asahi*" have no party affiliations and cannot be influenced by political considerations, "*Nichinichi*" is really the organ of Mr. Kato, formerly Minister of Foreign Affairs in the Coalition Cabinet and for a short time Minister of Foreign Affairs in the present Cabinet. If the American reader desires to obtain a fairly accurate idea of representative Japanese opinion, especially among the upper and more cultivated classes, he will read with care whatever he may see credited to "*Jiji*" or "*Asahi*" or "*Nichinichi*," remembering, however, that the latter is the organ of a politician who has held high office and is ambitious again to be in power, but who would not sacrifice national interests for selfish personal gains.

"*Yomiuri*," "*Kokumin*," "*Nihon*" and "*Mainichi*" are papers of the second rank, exercising some influence and having circulations of about from 50,000 to 70,000 each. "*Yomiuri*" is one of the oldest newspapers in Japan, and although its name has been Englished into "The Crier" or "Herald," its Japanese name recalls the old days when news was "cried" by boys going about the streets and calling out the paper's contents in tones not so very different from the raucous cries of the American newsboys shouting their "Extras; Horrible Accident; Fifty People Killed," but in marked contrast to the liquid calls of the Spanish newsboys, who make a one-syllable name musical by the rhythmic accent they give it in their full rounded throats, to whom a consonant is an abomination. At one time, "*Yomiuri*" was of greater importance than it is now, as it was the organ of Count Okuma, the leader of the Progressives, but "*Hochi*" is now generally recognized as expressing his views, and its larger circulation and more popular character make it a more valuable organ than the older and more staid "*Yomiuri*." This paper has always been noted for its literary reviews and criticisms, which it still makes a feature, and is a paper to which women are much attached; there is a flavor of the home and the fireside about it that appeals to them.

"*Kokumin*" is a semi-official paper—that is, it is used sometimes when the Government wants to disseminate news without doing so formally and officially, or when it is deemed advisable to send up a *ballon d'essai* to test the veering currents of public

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

opinion; consequently, news in the "*Kokumin*" may at times give a hint as to the Government's intentions; but it is not to be too implicitly relied upon, although edited with undeniable ability. "*Nihon*" is an independent paper calling for no particular comment, but "*Mainichi*" is owned and edited by Mr. Shimada, who is a prominent member of the House of Representatives. At one time, he was one of Count Okuma's principal lieutenants, but he no longer follows that leader so devotedly, although in politics he still remains a Progressive. As representing the personal opinions of a prominent politician, "*Mainichi*" may be read with interest, but it must not be accepted too literally, nor must the personal equation be forgotten.

There are two daily papers, both morning, published outside of Tokio that are of importance and exercise considerable influence in Western Japan. The Osaka "*Asahi,*" which is owned by the same proprietors as the Tokio "*Asahi,*" is practically the counterpart of the latter, in politics independent and maintaining the same high standard of journalistic ethics. The Osaka "*Mainichi*" is conducted with ability, but is not above resorting to sensationalism when fiction makes more interesting reading than a bald narrative of facts.

In connection with the press, I desire to say a few words about the political system of Japan, especially as there will soon be an election in Japan which may be of more than usual interest to Americans. The legislature is bicameral, the House of Peers and the House of Representatives, and the former is unique in its membership. In England the Upper House, the House of Lords, consists exclusively of hereditary nobles, but in Japan commoners as well as nobles sit in the Upper Chamber. Every male member of the imperial family on attaining his majority, which is eighteen, is by right entitled to sit in the House of Peers, and so are princes and marquises on reaching the age of twenty-five. The other nobiliary orders, counts, viscounts and barons, are represented in the Peers by members elected by their orders for a term of seven years, the representative peers not exceeding one-fifth of the entire number of their representative order. Any person who has reached the age of thirty, who has rendered distinguished service to the state or given proof of his erudition, may be created by the Emperor a life member of the House of Peers, but this creation does not, paradoxically, en-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

noble him. A certain number of persons, elected by cities and prefectures by and from among the largest payers of direct national taxes on land, industry or trade, sit in the House of Peers and hold office for seven years. The Japanese House of Peers, it will be seen, is the most democratic assembly in the world under a form of monarchical government, and because of its peculiar composition it is probably of a higher intellectual average, and more representative of the "best people"—using that term to express intellect rather than birth or money—than any other second chamber. The members who sit there by the accident of birth are comparatively few; the representative peers are naturally those most prominent in their respective orders, and must have given evidence of wisdom, patriotism or other qualification to enable them to secure election; learning and services to the state are represented by the life peers nominated by the Emperor; but to prevent the Emperor from swamping the House with his own creations, the number of life peers may not exceed the number of hereditary peers; and wealth, inherited or acquired, has also its representatives.

The qualifications for the right of suffrage to be exercised at elections for members to the House of Representatives are residence in the election district for one year previous to the drawing up of the list of qualified voters; the payment of an annual land tax of ten yen (approximately, $5) or more for one year previous to the drawing up of the electoral list; or the payment of an annual direct national tax, other than the land tax, of ten yen or more for one year previous to the drawing up of the electoral list; or the payment of ten yen a year in land taxes and other direct national taxes for two years previous to the drawing up of the electoral list. The suffrage is restricted to males, who must be twenty-five years or over, and able to write their own names and those of the candidates for whom they vote. No person is qualified to vote who is incompetent or quasi incompetent as defined by the civil code; who is an undischarged bankrupt or who has been declared by a court of justice as subject for liquidation or insolvency, and who has not finally recovered his rights; who has been deprived of public rights or whose public rights have been suspended; who is under suspension of sentence of imprisonment; who cannot comply with the required educational qualification. Men who are in actual

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

service in the army or navy, Government students, Shinto priests and all other priests and teachers of religion, teachers in the common schools, contractors for the Government, Government election officials, officials of the Imperial Household department, judges, prosecutors, the president and councillors of the court of administrative litigation, auditors, revenue officials and police officials are ineligible. These exceptions and the property qualification, it is estimated, restrict the electoral franchise to about 4,000,000 out of the 10,000,000 males of voting age in the Empire of Japan.

A. MAURICE LOW.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

JUDICIAL NULLIFICATION OF ACTS OF CONGRESS.

BY PROFESSOR W. TRICKETT, DEAN OF THE DICKINSON SCHOOL OF LAW.

A LAW is a rule which those to whom it is addressed are obliged to observe. Without the obligation, it would be mere admonition. To oblige one to observe a rule is simply to visit him with disagreeable consequences if he should disobey it. This includes investigation into the fact of disobedience, and, disobedience being ascertained, causation of the consequence.

In our political system, one body is set apart to lay down the rules, and other officers are created to enforce them. Since the probability of enforcement is necessary to law, it is evident that a so-called legislature is, in fact, not a legislature unless other officers concerned in administration and execution not only exist, but are purposed, to enforce its enactments. In short, the will of the executive converts the abstract declarations of the legislature into law.

When the Constitution of the United States declares in what way a bill shall become a law, it must mean to state when the wish of the lawmaking body shall become obligatory—that is, when it shall be sympathetically heeded, with purpose to enforce it, by the executive officers. In ordaining that a bill passing both Houses and approved by the President shall become a law, it ordains that it shall then become an obligatory rule of action; that is, that the executive agents of the United States, including the courts, shall enforce it.

Is there any indication that the makers of the Constitution intended that the Executive, in any of its branches, administrative or judicial, should have the right to abort a law by refusing to it the effects whose sequence only gives it the quality of law?

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The debates in the Federal Convention are equivocal. It is evident that Gerry, Martin, Mason and Wilson supposed that the courts would be able to consider whether a law was constitutional or not, and, if they decided that it was not, to refuse to enforce it. On the other hand, Mercer, Dickinson and Gouverneur Morris denied to them such a power.

The action of the Convention is more significant than the imperfectly reported sentiments of a few of its members. The attempt was made, and successfully, to unite the Executive with the two Houses of Congress in the making of laws. No bill could become a "law" until submitted to the President, but a thrice-repeated effort to associate with him the Federal judges was decisively defeated. One or two delegates may have opposed their participation in part because they thought the judges could, in the business of execution, annul a law, and for this reason did not need to have it submitted to them at its initiation; but there is no evidence that this view influenced many in rejecting the proposed submission of bills to judges. Such a reason would have been equally good for denying to the President the right of veto. As an executive officer he could, when the occasion for enforcing a statute arose, have considered, like the judge, whether it was constitutional or not, and have refused to execute it if he thought it unconstitutional. A more reasonable interpretation of the acts of the Convention is that the majority did not intend the judges to have any right to elect which of the laws of Congress they would enforce.

That the Conventionists did not intend that the courts should be able to refuse enforcement to acts of Congress, is probably indicated by three striking circumstances. In declaring an act unconstitutional, a court would antagonize Congress to a degree, and might provoke reprisals from that body. The power of impeachment of judges was with Congress, and, as Hamilton concedes in the 83d "Federalist," they might be impeached for declaring acts of Congress unconstitutional. Is it credible that the people who ordained the Constitution intended that the court should have the duty of declaring acts unconstitutional, and yet should be left liable to the vengeance of Congress for so doing? If they had intended to impose on the court so serious a duty, is it not likely that they would have protected the court from assault by the body whose enactments it annulled?

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Another significant fact is that the whole appellate power of the Federal judges, and, with the exception of a small number of cases, their whole original jurisdiction, are the creature of Congress. If Congress decides to avoid a decision adverse to its legislation, it needs simply to withhold, or to recall, jurisdiction. A flagrant case of this sort was that of McCardle. Arrested for trial before a military commission, he denied the constitutionality of the law and applied to the Circuit Court of the United States by *habeas corpus* for his liberation. This court refusing to liberate him, he appealed to the Supreme Court. A majority of the judges of that court were of opinion that the law was unconstitutional, but deferred pronouncing a decision in order to give Congress time to repeal the statute under which the court had jurisdiction. Congress repealed the act, and thus the court escaped the unpleasant duty of declaring the act of Congress unconstitutional. It is hardly thinkable that the makers of the Constitution, intending that the court should have the power and be under a duty to pronounce acts of Congress void, should have made that power withdrawable by Congress at any time.

A function so important as that of controlling Congress so as to compel it to observe the limitations of the Constitution, would hardly have been deposited with a court which Congress or any branch of it could control. But the Constitution-makers have given this control to Congress. The creation of the courts is with Congress. The definition of their jurisdiction is with it. If the mind of the court is so attuned that it will decide a measure of legislation unconstitutional, all that is necessary to secure a different mind is for Congress to increase the number of judges; so that the President may nominate and the Senate confirm such additional judges as, with the existing favorers of the measure, will constitute a majority of the court. Something like this, it is charged, was done in connection with the Legal Tender decisions. Whether it was in fact done or not, it is quite practicable, when the President and both Houses of Congress agree on the constitutionality and the desirability of a given piece of legislation. But is it likely that this power over the court would have been given to Congress and the President, if one of the court's functions requires it to control, and not to be controlled by, Congress and the President?

The Constitution makes careful and detailed provision for

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

submitting a bill to the President before it shall become a law—that is, before it shall become obligatory on subjects of the Government, and enforceable by executive agents. If the courts are to have the power to void statutes despite their passage through the Houses of Congress and their approval by the President, it is deeply regrettable that provision is not made for the regulation of the exercise of so remarkable a jurisdiction.

Ultimately, the Supreme Court exercises the power. But that court may be composed of three, six, nine, fifteen, twenty-five, fifty judges. The Constitution does not prescribe a number. Would the people have consciously given the court of three the power to annul an act passed by three hundred Senators and Representatives, and by a President? The court has never had more than ten members. It has now only nine. These nine men can quash the legislation of the representatives of ninety millions of people. The time is at hand when they will be able to quash the legislation of the representatives of two hundred millions of people, though that legislation were unanimously enacted and unanimously approved by the people.

Again, there is no definition of a quorum of the court. Small as the entire court is, a yet smaller number of judges may be present when a statute is annulled.

There is no rule as to the proportion of judges who are for to those who are against a decree of nullity of a statute. Acts of Congress have very seldom been pronounced void by a unanimous court. In a majority of cases there have been three or even four dissenters. Often the vote of the court has been cast practically by one judge. Did the makers of the Constitution contemplate this? If they had, would they have ordained that a majority of one in a court of nine should set aside the judgment of the minority of the court, of the two Houses of Congress, of the President who approved the bill, possibly of a practically unanimous people whom Congress represents? Propriety and respect for the judgment of a coordinate branch of the Government imperatively require that the small court which condemns the legislation of a numerous Congress, supported by a numerous people, should be unanimous. Would the wise men of 1787 have omitted to require unanimity, had they intended that a court should have this enormous power?

One of the most important prerequisites to law in a modern

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

state is that its existence and obligation shall be knowable. The Constitution-framers with much particularity tell us how a "bill" is to become a "law," but they intimate nothing as to the possible classification of "laws" into laws that *are* laws and laws that are *not* laws. Would not experienced statesmen, had they supposed that even after a bill had become a "law" it might not be a law, have invented some device by which people could recognize the law that was valid, or could early procure an enlightening decision from the court, before being involved in liabilities in case of mistaken judgment? A law is published. If it is constitutional, A must refrain from doing something which it would be highly useful for him to do. If it is unconstitutional, A can do this with impunity. He must take the risk of mistake in determining whether the law is valid or not, and the risk may be serious. That the makers of the Constitution were aware of the injustice of rules laid down after the fact is evident from their prohibiting *ex post facto* laws. But when a statute is voided from its enactment, by a decision delivered a year or five years afterwards, the law which it was intended to displace becomes practically *ex post facto* as to acts done between its enactment and the annulling decision. Why was no method invented by which immediately upon the passing of an act, and before hazard from obeying or disobeying it, a judgment of the court could be procured? Would the Constitution-makers have deliberately omitted to furnish it?

Various methods have been suggested by which a decision could be obtained within a comparatively short time. One has been an injunction by the court, pending the deliberation upon a bill in Congress, against its enactment. The suggestion of this method has been scoffingly repudiated. Another has been injunction or mandamus directed to the President, or the legal head of a Department or the Attorney-General, requiring him to refrain from taking steps to cause subordinate officers to execute the law, or commanding them to take steps to prevent the execution of the law. This method, so far as applicable to the President, has been rejected. The court has chosen to recognize, as valid for arresting action under void statutes, only the less comprehensive, prompt and efficient methods.

The makers of the Constitution, had they intended that statutes passed with all constitutional forms, should nevertheless be

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

capable of being voided by the courts, would probably have devised a plan for procuring as early a decision as possible, so as to disengage the public from fear and embarrassment. The courts have adopted the policy of postponing the decision of the constitutionality of an act to the latest possible moment. Nothing is more improbable than that the makers of the Constitution could have intended that even the decision of the highest court, as to the constitutionality of an act, should not be final, that persons relying upon it might yet be overtaken and involved in disaster by a second decision in a contrary sense. Yet, these inconsistent decisions, this absence of all finality, is a mark of American jurisprudence, as actually developed under the Constitution.

The judges are not selected by the people, nor answerable to the people. Appointed, they hold office practically for life. They are not removable, as are the judges in England and in several of the States, upon the address of both Houses of Congress, even were that address unanimous. This little group of nine men can apply an interpretation to the Constitution which no one outside of the court applies to it, and annul the will of people, Congress and the President, in the name of what they declare to be the will and intention of the dead men of 1787. Could it have been the will and intention of these men, that the opinion of them entertained by these nine should be stronger and more prevalent than that of all the nation besides?

The people who adopted the Constitution directly created Congress, and only indirectly created the court through Congress. The people directly elect the members of the Lower House, and by their State legislatures elect the members of the Upper House. They elect a President nominally through electors, but really directly. This President and the Senate appoint the judges. Could the constituent people have intended the creature of their Congress to be superordinate to Congress? Although Alexander Hamilton, in the 78th "Federalist," denies that a court which can annul an act of Congress is *ipso facto* superior to Congress, it is self-evident that, in so far as law can get enforcement only with the cooperation of a court, if the court exercises the right to say what law it will, and what it will not, enforce, the power of Congress to effect its legislative will depends on the consent of the court, and Congress is *pro tanto* inferior to it.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The people intended the Constitution to be obeyed, the grants no less than the restrictions of it. They attached as much importance to the former as to the latter. If a court had the power to define the restrictions, it would have the power to take away from Congress, by mistake or malevolence, that which the people gave it—that is, it might make the people incapable of doing through the legislators what they intended to be able to do. On the other hand, if Congress has the final judgment as to the power conferred upon it, it may exceed its intended legislative limits. Which of these possible evils is the larger? That of defeating the people's will by incapacitating them through Congress to legislate, or that of defeating it by making a wider legislation possible than was designed? Is it clear that the constituent people thought the former less objectionable than the latter? Where is the evidence? But to concede the power of the court to annul statutes is to incur the risk of the former.

Did the constituent people think that a body of six or nine would understand their Constitution better than their immediate elect, the House, and their mediate elect, the Senate, and the President? Did they think the intelligence to know their will as expressed in that instrument, would be more acute in six or nine than in two hundred or three hundred?

The court would be composed exclusively of members of one profession, all with similar mental habits, proclivities and ideals. Did the people think that these lawyers would understand their intention better than educated physicians, teachers, financiers, merchants, manufacturers, farmers, or their delegates in Congress? Did they intend to put in the hands of nine lawyers the power to paralyze legislation, thus bestowing on one profession a primacy quite unique in the world?

If a Congress and President enact what, in the judgment of the people, is an unconstitutional law, the people can correct the error, by agitating for a repeal, or by electing a new Congress pledged to repeal. But, if a constitutional law is annulled by a court as unconstitutional, the remedy is not so apparent and simple. Must the people acquiesce? Shall they agitate for a change of the court's decision? Shall they insist on an enlargement of the court, in order to "swamp" the judges who have pronounced the undesirable judgment? Shall the judges be impeached, removed and others substituted?

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It is difficult to believe that the people took so humble a view of themselves, that they consciously abdicated, for themselves and their successors in all time, and for those of their officers whose appointment they could control, the right to interpret the Constitution, and vested it in a small body of one small profession, appointed for life, giving to this body the power to declare void legislation, though enacted by a unanimous Congress in response to the unanimous demand of the people.

If a President or the Congress may usurp power, so may a court. The President and Congress are responsible to the people. The court is practically responsible to nobody. Conviction on impeachment is very difficult; and, admitting the constitutional right of the court to pronounce acts of Congress void, conviction on impeachment for exercising this power would be iniquitous. The risk of possible and irremediable usurpation by a court is as great as of that by Congress. There is no trace in the work of the Constitution-makers of an intention to make a court a censor of the work of Congress, while furnishing no censor for the acts of the court. Hardly extravagant is the language of President Lincoln, in his first inaugural, that, when we recognize the sole power of the court to define the limits of constitutional executive or legislative action, "the people will have ceased to be their own masters, having to that extent resigned their government into the hands" of the Supreme Court.

Even Hamilton realized the inadmissibleness of the doctrine that the court is the final judge of the boundaries of the respective powers of the Governmental departments, for, in the 49th "Federalist," he announces that encroachments by one department upon another are to be redressed by "an appeal to the people themselves, who, as the grantors of the commission, can alone declare its true meaning, and enforce its observance." But how do the people declare the meaning of the Constitution except through those whom they elect, the President and the Congress? There is no other way by which the people could declare their sense of the true meaning of the existing Constitution.

If legislation were the only evil, the dangers arising from the voiding of laws by a court would be tolerable. Experience, however, shows that most evils spring up apart from government, and that the function which vindicates the existence of government is that of curtailing and repressing them. Making impos-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sible this repression by narrow, sectarian, professionally biased, or class-biased views of the Constitution, applied in the annulment of statutes, is a great and unendurable prejudice to the public weal.

The power authoritatively to interpret the Constitution is virtually the power to make it. Practically, so far as many of the functions of government are concerned, the Constitution is made for us, from time to time, by the nine lawyers who are judges of the Supreme Court. They make it, while, like the Roman haruspices, they think, as do others, that they are only divining the intention of the Numen, the dead men of 1787.

W. TRICKETT.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE JEWISH HOME.

BY PROFESSOR ABRAM S. ISAACS.

In our rapid-transit age, pious sentiment has lost much of its potency, and cherished traditions that enforced certain vital truths disappear as surely as the trees that once gave beauty and shade to our city streets. We cannot pause by the way for quiet reverie; we dare not rest in our era of competition. The wheels must incessantly turn, the energies be urged ever at breakneck speed. Home, affection, family happiness, the household altar around which cluster such inspiring ideals, all must be imperilled, if not sacrificed, in the mad race for gold, fame, preferment. And the danger threatening that magic isle of safety, the home, can no longer be denied.

Undoubtedly, Jewish ideals suffer, like ideals in general, from the spur and strain of present-day conditions, and much that was for ages regarded as sacred and inviolable in character and custom has vanished in the change of clime and environment. Much, however, is still unaffected, so strong and time-proof are the olden foundations. Unlike the temple of Philæ, with its wondrous associations, which has been gradually submerged with the introduction of modern irrigation methods in Egypt, the Jewish home, with its memories as historic and venerable, continues practically unchanged in spirit, even in our American atmosphere. Its graceful lines are as clear, its inspirations as effective, its basic principles as potent as ever. Now, the American Israelite does not wish to be differentiated from his brother of another creed in all that pertains to citizenship, nor does he desire to be singled out for praise or censure as if he were an anomaly or an anachronism. Yet his home is certainly unique, and he need not be unduly sensitive if he be asked for the secret of that household's charm and vitality. What qualities give it undefinable power?

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

What formative influences are enshrined under its roof to make it one of the chief factors in the Jew's preservation? What subtle magic, even to-day with so many disintegrating tendencies, invests it with such strength and permanence? In other words, what does the Jewish home stand for?

1. It stands, first, for religion. That element is its basic principle, which enters as much into the home as into the synagogue, and in some respects is more prominent in the household. It associates religion with the daily life of the family and the individual, and blends ideal influences with the domestic atmosphere. On the very threshold, on the door-post of the house, is seen a rectangular piece of parchment, inscribed with two sections from Deuteronomy — a Mosaic command scrupulously observed for thousands of years—which embody the foundation of Jewish belief, the unity of God and the injunction to love Him with heart, soul and might, and to teach that belief to one's children— "and thou shalt write them on the door-post of thy house and on thy gates." With such a symbol ever present, the religious environment is undeniable. The historic festivals are scenes of family reunion. Sabbath eve is welcomed by a special ceremonial—when the Sabbath light is lit, emblem of happiness, and the double loaf of bread adorns the table, to signify the double portion which the Israelites of old were to gather in the wilderness on the sixth day, so as to keep the Sabbath holy. And even if in our keen competitive era a closed Saturday is impossible among the large majority of employees and employers, some distinction is preserved, the women and children attend service, household work is lightened. Each festival has its appropriate greeting, in whose message young and old share. There is blessing after meals, with traditional songs and melodies for all. There is nothing harsh or repressive in such an atmosphere—it spells joyousness, mutual affection, domestic peace. The home is in the shadow of the Almighty, who is no tyrant, but Father, Counsellor, Friend. It is an altar, with the parents as priest and priestess, and the impression is never lost on the children.

2. It stands for the historical consciousness of the Jewish people, being thus a school of knowledge and loyalty. Each prayer and ceremony, each festival and traditional observance, all have a meaning and history which the parent is commanded to make known to the child as the highest duty. These recall the past

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with wonderful vividness and become eloquent object-lessons, as scenes of defeat or triumph, of the glory of national independence or the shame of exile are depicted. The race-consciousness is thus early developed and has something ennobling in its call to loyalty and sense of kinship with the leaders who have passed away. From childhood thus the boy and girl learn the story of their people. As they witness the Passover ceremonies, the centuries of serfdom in Egypt—a dim forecast of later serfdom in modern lands like Russia and Roumania—flash before their vision, and how genuine is the feeling of gratitude! As they learn the graceful lessons of Tabernacles, the harvest festival, when, amid thanksgivings for the fruits of the season, they were to remember the lowly huts wherein their ancestors sojourned when emigrants from Egypt, are they not taught humility and the law of modest living? When they light the lights on the feast of Dedication, the era of the Maccabees is brought close to our time, inspiring them to be loyal to their religious duties, whatever the obstacle. Hence the home is both place of worship and of instruction.

3. It stands for the unities of family life—those essential virtues which bless humanity and sanctify the home. Nothing can surpass the affection, the mutual helpfulness, the sentiment of reverence that unify the typical Jewish household. Parents and children vie with each other in intensifying and deepening the atmosphere of love. Under such conditions, happiness can result even if there is an absence of wealth and glitter, and the quiet, gentle life is preferred to social extravagance. The spirit of domestic love which permeates "The Cotter's Saturday Night" unconsciously suggests the Jewish home—the ties that bind parents and children are enduring in childhood and maturity, stretching out through every experience. In the ambitions of their sons and daughters, in their tasks and troubles, the parents show the keenest sympathy, always their patient and kindly advisers, ever spurring them on in their studies and pursuits, and placing before them the loftiest ideals. And, in turn, the child has respect and reverence for the parent, makes rapid progress in school, largely because of parental interest, and develops steadily along helpful lines under the impetus of a cultured home.

Need it be surprising, then, if the Jewish home stands for such vital factors that its influence should be so unmistakably

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

reflected in the status of the Jew—in his character, aims, acquirements, ideals? If in the past that home was a preservative, nourishing and shielding the most beautiful virtues, and furnishing examples of domestic peace and purity in ages when courts were dissolute and people were given over to coarse amusements and degrading superstitions, is it to be wondered at that its influence proves so salutary in our era? It still has power to preserve from fashionable vices, to insure marriage sanctity, to inculcate habits of self-restraint and self-control. The most formidable of present-day evils are intemperance and divorce, and these have reached proportions that are ominous for the future. Now, there are no statistics as to intemperance among Jews, simply because cases are so infrequent; and it may safely be affirmed that a Jewish drunkard is a rarity, and still rarer any instance where a home has been destroyed by a drunken parent. There is an innate horror of excesses and vicious living—the home example has instilled the lesson of self-control and moderation. Undoubtedly the dietary laws have accustomed the Jew to habits of self-restraint. It must not be imagined, however, that his home atmosphere is one of repression, of gloom, of asceticism; it is just the reverse, and hence there is little danger of swinging to the opposite extreme in later years. As to the divorce evil, here, too, there is a suggestive absence of data for generalization; but instances are exceedingly rare, especially where traditional principles are essentially maintained. No apprehension need be felt, under such safeguards, that the evil can ever gain a firm foothold in representative Jewish circles.

The subject now presents itself as to Christianity's influence on the Jewish home, and as to any recognition of its worth. The thoughtful, intelligent Jewish home cannot but acknowledge elements in the Christian religion and practice which make for human betterment, and which here on American soil have such magnificent expression in agencies that uplift and refine. Of course, this is a matter which, if discussed at too great length, might lead one into the labyrinth of theology and Scriptural interpretation. Without hesitation, the Jew accepts the spirit of the new movement which emphasizes the central unities of all religions, whatever are the points of disagreement that set the creeds apart. He has too long suffered from the narrowness of others to cherish the narrow outlook. He feels the borderland

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

widening and does his duty, when he consistently can, to bridge over the chasm and soften old-time asperities. The Ghetto was not originally a Jewish creation, but was forced upon the Jew with the gabardine and the yellow badge; and he is held responsible for an exclusiveness that is not inherent in Judaism, for a hateful and bigoted point of view which is to be credited to the persecutor, not to the persecuted. To-day the Jewish home is as open as was Abraham's tent in the legend. There is no uplifted spear at the portal, no hostile air within, but the spirit of the Mosaic command, "Thou shalt love thy neighbor as thyself," and of the Hebrew prophet's declaration, "My house shall be a house of prayer for all nations." The broad teachings of the Jewish home, its kindly attitude towards mankind, find eloquent expression, not in mere sentimental phrases, but in the growing tendency of Israelites to bequeath gifts to education and charity, without distinction of creed.

In this analysis of the principles for which the Jewish home stands, there has been no conscious exaggeration. Traits have not been idealized, nor doctrines too broadly interpreted. In fact, a certain restraint has been felt, as if one were reluctant to describe its atmosphere, for it courts no publicity or recognition—a restraint, perhaps, which has often led to a want of requisite emphasis here and there. The genial culture that prevails, the refinement and simplicity which are characteristic, it has been shown, are combined with a notable breadth of view. It is more than a mere dwelling, a place to eat and sleep which is often regarded as a synonym for home—it is school, altar, shrine. Here the child is taught reverence and his elder self-control. Here education is held to be the truest and most permanent form of wealth, and life considered but preparation for higher existence. Here religion is associated with daily conduct and some self-sacrifice is demanded. Here it is constantly taught that all religions which make for goodness are divine and the pious of all creeds are sharers in future bliss. The universal elements in the olden faith are emphasized in the broadening and more helpful tendencies of the time. Certain picturesque elements when the environment was more exclusive may have passed away, but enough survives to make it a permanent factor for good and an object-lesson to the stranger without the gates.

ABRAM S. ISAACS.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

DESIGN AS APPLIED TO CITIES.

BY SAMUEL PARSONS AND WILLIAM RUDOLF O'DONOVAN.

THE charm and picturesqueness of most of the older cities is a result of accidents of growth rather than of effort of design. It is the absence of design, considered in the sense of art, that produced effects dear to the artist, the archæologist, and generally stimulating to the imaginative observer. Pleasing as these effects may be to the onlooker of artistic or philosophical temperament, they may involve conditions which are, in many respects, quite unpleasant, inconvenient, and even unbeautiful to the citizen, as well as to the stranger who is more than a passing visitor. The much-regretted mediæval Paris, expunged by Baron Haussmann and Louis Napoleon, with its narrow, malodorous streets, was picturesque; but it was not nearly so beautiful, nor so charming a place to live in, as the more commodious city which was made to take its place. The first requisite of a city, indeed, as of a house, is that it shall be fit to live in, according to prevailing standards, and possess all requisite conditions, first, of health and comfort, and then of luxury and taste. It is the experience of those who have tried it that it is much easier and much less expensive to design and construct a new house answering these requisites, than to make over an old one. It is true that a house that has grown bit by bit to suit the convenience of its occupants from time to time may be made as comfortable, and is often more picturesque, than many a new one creditably designed; but it can scarcely have the beauty possible in a structure planned to fit harmoniously a definite place.

The older cities of the world have, of necessity, grown under diverse circumstances from their beginnings as fortified or walled towns into their present status of great centres of commerce, finance, manufacture, and consequent wealth, power, fashion, and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

luxury, learning, art, and they have adjusted themselves to changing purposes through stress of necessity—through accidents of fire, flood, siege, sack, and pest—with less regard for beauty than may be reasonably expected in the future: reasonably expected, because modern discoveries and inventions have made many things practicable which could not be accomplished in earlier times. Walls have gone long ago; and steam and electricity are distributing populations over large areas, with the inevitable consequences of wider streets, parks, private gardens, sunlight, air, which conduce to health, cleanliness and beauty, and should make the city of the near future, of all places, the most desirable for residence. In fact, in this country, vast as it is, the rural population is fast coming to be suburban and urban, with all the advantages of increased means of civilization, enlightenment, good manners, urbanity and taste. Increased, and still increasing, knowledge of sanitation and the public necessity for it are doing away with the baleful sort of picturesqueness sometimes found in slums, the breeding-places of diseases, physical and moral, which inevitably spring from filth and spread contagion throughout a whole community, retarding to a great extent the influence of our multifarious agents of education.

It is said of Nero that, in order to rid the narrow streets of Rome of temples and shrines held inviolable through superstition, and to obviate disputes of experts as to valuations of condemned property, and to avoid interminable lawsuits, he solved these difficulties by having the city set on fire and burned. With us no such benevolent despotism is possible. We must depend for improvement either upon dishonest and grasping public servants, such as was the Tweed ring in New York, or upon more enlightened, honest and faithful officials, such as we may hope to have always with the help of a reasonably active and enlightened public opinion and press. Not even the arbitrary methods which enabled Haussmann, under the Empire, to transform Paris from a noisome mediæval city into the most beautiful and commodious capital of Europe, at a vast expense and in the face of hostile public opinion, would be possible there now, nor in London, nor in an American city. In France, in England and in the United States, power now is with the people, except at such times as through inertia they allow it to slip from them. It is true that, under the Tweed régime and under that of Sheppard in Washington, much was

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

accomplished for municipal improvement. Out of extraordinary activity of all kinds some good must come, as in cases of fire, pest, war, peculation or other disastrous visitations; but we should use all possible means of meeting the exigencies forced upon us by the quickening power of invention with less violence and waste. Eternal vigilance, it is said, is the price of liberty, and it may be as truly said that it is the price of all else that is of much worth in life.

Experienced men and women of good sense do not expect that the mere employment of the best attainable domestic servants will secure for them the best possible service without some exercise of vigilance on their own part. They must watch as well as pay; and the same applies with equal force to our public servants, who, being fallible, need help, and the spur of public opinion from every citizen. Fortunately, means of bringing such opinion to bear are, in these times of newspapers which find it to their interest to be interested in such matters, vastly increased, but even in this the people may not rest with security, nor delegate their power and prerogatives.

The great city of New York, which has increased within a century from a population of about one hundred thousand to one of over three and a half millions, and from an area of about one square mile to nearly 360, is growing along lines laid down by a Commission in 1807, according to a plan perfunctorily made, without proper regard either to utility or to taste—simply a gridiron system of streets running from nothing to nothing, with no other purpose than monotonous directness, and necessarily without reference to topographical conditions. The same may be said of Philadelphia, of San Francisco, and indeed of almost all our cities.

Now, by such a method nothing is gained in point of utility, and certainly everything is lost in point of beauty. Obviously, neither utility nor economy is served by cutting a street straight through a hill when it might better, in all respects, be made to go round and up the hill, but that is done in New York as well as in other cities.

It was thought by the Commission which laid out New York a century ago that provision for public parks was needless, because on either side of the island were two great rivers which would afford ample breathing-space, and it has been through the utmost effort of campaigns of education, strenuously waged by an en-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lightened minority against short-sighted citizens and officials, that the now fine, but still inadequate, system of public parks in that city has been attained. The fact that public parks in all cities have proved astonishingly profitable investments has widened by so much the scope of the practical man's vision, the belief is thus encouraged that after a while he may be able to see the value of beauty as a money investment. In time, possibly in a short time, the utilitarian who serves not wisely but too well the useful purpose of a check upon æsthetic improvements, may be brought to a recognition of the fact that if, in structural things, usefulness falls short of beauty, the full value of the money expended upon them is not obtained.

There is, of course, in straight streets a certain element of use or convenience; but where straight streets are so made as to lead up to, or from, points of interest, as in the case of the avenues radiating from the Capitol at Washington, or from the Great Arch at Paris, the pleasure of their use is enhanced by the interest and beauty which they create and conserve.

That curved streets, even where they are not necessitated by the character of the ground, have a certain graceful dignity of their own, is illustrated by Regent Street, which forms one of the most pleasing parts of London.

The fact is that the underlying principle of structural beauty in the ground-plan of a city must rest in utility. That is to say, the streets must be so ordered that they shall lead up to a centre consisting of a public building, a railway station, a market, a bridge entrance, a park, an opera-house, or any point that may serve as the end of a vista. The root of it all is as old as the primitive town, or *tun,* of the progenitors of the English people in their German birthplace. Dwellings were built around a tree or a hill which was used as the town meeting-place, the whole being surrounded by a common or neutral ground and ditch, which was to become later the wall, and, when that was razed, the boulevard, as in Paris, in Vienna, and other old towns of Europe, forming now such pleasing features of interest, convenience and beauty.

The foregoing will indicate what is desirable, in a general way, in the ground-plan of a city—that is to say, the simple element of design which forms centres, with streets radiating from them, and fits them in all cases to irregularities of the ground. By these

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

means that variety which comes of fitness is invited on the part of the architect who has now little enough of inspiration, and finds it difficult to be rid of monotony where there is nothing but interminable straight streets, with few places from which a building may be seen from a distance.

In the circumstances invention is taxed to the utmost, and the impulse to be rid of the shackles of uniformity too often leads to the introduction of an architectural type from somewhere else into a place it does not fit.

We hear a great deal about the lack of a truly American art, and ways of arriving at it are constantly being devised and urged by more or less ingenious writers, and by societies for the promotion of art. As a matter of fact, if any art expression is serious and right, it is all that is desirable; if in all cases it is individual, it must in the aggregate be American, English or French, as the case may be. While any individual work of art should be considered as an entity, it must be conceded that the aggregation of streets and houses which make a city is of the greatest charm when it suggests or expresses the character of the people who have made it and live in it.

Having thus generally indicated the principles which should be applied to the further growth and extension of cities to adjust them to the quick and quickening means of movement, the means of having them applied are next to be thought of.

In New York there is a Municipal Art Commission, composed of representatives of the arts of Architecture, Sculpture, Painting, two lay members and presidents of two institutions of art, together with the Mayor *ex-officio*. For each place on this Commission three names are presented to the Mayor by ten Federated Art Societies, which embrace in their membership almost every architect, painter and sculptor of note in the United States. The powers of this Commission are restricted to veto. That is to say, it must pass upon all designs for public works in architecture, painting and sculpture. The power of refusing sites, within its jurisdiction, for statues or memorials rests with the Landscape Architect of the Department of Public Parks. In addition to this, the present Mayor of New York has created the New York City Improvement Commission, embracing representatives of Architecture, Sculpture, Painting, Landscape Architecture, Engineering, Transportation, Finance, Sanitation and Municipal Govern-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment. This Commission has merely an advisory function, without power of any kind save what may be given it as a court of first instance by public opinion.

With these means at hand, it would seem that New York may be in a fair way to cure some of the bad features of the plan of 1807, which applies to the whole of Manhattan Island, and is repeated in the added boroughs of the Greater New York, and thus impress upon other cities and towns a valuable object-lesson.

Possibly the more valuable and practical object-lessons may be worked out and illustrated in the smaller cities, which are less unwieldy and have a distinctively local pride. Indeed, in many of them—such as Chicago, Boston, Buffalo and Cleveland—much has already been done which the great metropolis may emulate to advantage. It may be considered one of the happiest auguries for the future of America that its metropolis has not a monopoly of taste, enterprise and invention, and that the metropolis is not above taking advantage of suggestions afforded by what is being done in lesser towns. Above and beyond all, hope of improvement rests in means of rapid movement, which of itself primarily impels improvement in much of all that makes life, for all people, of all conditions and kinds, comfortable, desirable and refining. Those who are more particularly interested in art by reason of professional work should make every possible effort to impress upon the public in general the fact that it is economy, and the conservation of means, to carry public utilities along into the uses of beauty, and that to fall short of this is sheer waste of means. There is no reason why the extensions of towns now being forced by rapid transit should not be along streets ordered with reference to the natural features of the ground; why they should not be made sightly in the character of their houses, as well as sanitary and comfortable; why parks should not be provided, street trees planted and properly cared for, as well as private gardens, large or small, as the case may be. That these things should be effected by comprehensively and artistically devised plans, to be made as soon as practicable, is of the utmost importance, as will be admitted when it is recalled that no end of depressing ugliness and incalculable expense has resulted in the past from lack of such enlightened forethought when means of expansion were but a fraction of what they are now. In no period in the development of the race has the most unimaginative utilitarian objected

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to beauty in anything when it could be demonstrated to be entirely practicable, without additional expense. Now that experience has proved, for example, that public parks are a paying investment, the hard-headed part of all communities will not oppose the investment of a thousand dollars for land for a park, which would inevitably cost ten times as much after the region has been built up. A well-ordered structural house costs no more than a badly devised and ugly one. In fact, if one but looks around in any urban or suburban district one may find many houses that have been made quite unsightly in a laboriously expensive way, doubtless in most cases at the instance of the owner rather than of the designer. If in a certain district the fashion is set by a house planned in good taste, that fashion is more than likely to be followed until it is the prevailing mode, and the value of property in that neighborhood becomes thereby greatly enhanced. Now, when people living thirty miles away from their business are about as near it, so far as time is concerned, as they were a few years ago when five miles away, there is no economy in crowding them into narrow and ill-ventilated streets, and it is obviously to the interest of property-owners to insist that their values shall not be depressed because somebody, a dozen or a hundred years ago, devised a plan that officials are not willing to change.

That the proper ordering of streets in places not built up is, next to rapid transit itself, the most pressing need in present urban conditions cannot be questioned, and the fact that such ordering is to the present and future interest of every one concerned—and every one is concerned—should be kept in view, or much of the benefit of rapid transit will for the present be lost.

Of experienced, trained and even imaginative, creative, architects, we have many; and the number and efficiency of such may be confidently expected to increase in the ratio of demand for their services. The same may be said of landscape architects, to whom the designing of ground-plans of cities and public and private parks must be entrusted. Notable and beautiful as has been the work of Olmsted and Vaux in the parks of New York, of Boston, of Chicago and other cities, theirs is still with us, as elsewhere, an art in its beginnings, which may find fuller, more dignified and graceful expression as need of it is better apprehended.

SAMUEL PARSONS.

WILLIAM RUDOLF O'DONOVAN.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE PASSING OF A PROPHET.

A True Narrative of Death and Life.

BY CHARLOTTE OSGOOD MASON.

I.

Throughout the centuries of human growth death has been as a nightmare to the heart of man—a king of terrors, crowned with fear and panoplied with grief. No race or soul might evade this king's dominion; none but must feel his influence and power. There have been sturdy folk who mocked him outwardly; there have been those in whom the very fear of him bred a superb and vaunting courage; there have been those who called on Faith to help them—invoking her mystic powers against his own; but all alike have felt his influence and have paid tribute to him.

Those pagan cults whose strength was rooted in the primeval element of sex dealt in the mysteries of procreation and of birth, striving thereby to solve the riddle or to break the spell of death. The accentuation of the sex idea, which was the badge of early Semitic thought, and probably characterized originally the thought of all nature-peoples, while it served as a stupendous factor in their evolution, served, when uncorrected by other elements, as an equally stupendous factor in their decay. Not even the fearless, joyous Greek emerged unpolluted from its influence. The nature-gods of the Orient, passionately adored for their fertility, were no less passionately mourned when their fertility was past. The grape was crushed in the wine-press; the god of life had shed his blood for his votaries: let the world lament. Moreover, the accentuation upon sex developed as its correlative the sense of possession, and in both its human and material phases no other passion breeds so tempestuous a fear of death. These waste elements in the sex ideal, elements which

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

have done their work and are now a menace to healthfulness and life, our civilization still blindly propagates.

With relation to the problem of mortality, Christianity as an Institution, in its various forms of asceticism, has annihilated the fear of death by annihilating equally the claims of life. In the same particular, Christianity as an Emotion has largely concentrated itself in poignant grief and ecstasy upon the figure of the suffering Christ dead upon the cross. Christianity as a Life did neither of these things.

To-day there is a reaction against the dead weights of the past. Man is exacting from the Universe his freedom in this world and in the unknown world to come. And between the two worlds the bridge is death.

With the aid of truer concepts of history, of ethics, of religion, we are beginning to see that the bridge, once shrouded in darkness and sentinelled with terror, may be a bridge of light, a rainbow over which humanity may pass to its Walhalla.

Even the physical sciences are teaching us this hope. Chemistry calls death but a translation of life occurring within the realm of chemical reactions, which reactions underlie the progressive alterations of the body during life. Death, then, goes with us in all the processes of being, from birth to the end of the body's existence. This is no strange and terrible conqueror, exacting sudden tribute, but an ally upon whom we have unconsciously depended for wise counsels and support. Biology delves into the ocean of primeval being and brings forth a pearl. Death, we are told, is not coincident with the first appearance of life. The simple cell lives on indefinitely by the mere division of itself into two perfect entities, but when nature in her wisdom discarded fission as a means of reproduction, and introduced the rudimentary forms of sex life which were destined to evolve the subtle physical and psychic organisms of man and woman, there entered into the universe the possibility of death. With the specialization of cells and their functions came also the interdependence of one cell or individual upon another cell or individual, and the consequent possibility of inhibition, gradual decline and death. In the evolution of species the appearance of death for the individual is thus linked with the possibilities of highest life for the whole. In the spiritual world of men and women the experience becomes conscious and beautiful in

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

proportion as the outlook of the individual is one of unselfish, joyous abandonment to the possibilities of greatest growth.

We are come within sight of a truth that shall uplift us, but to few of us as yet has it been given to live and die in accordance with the laws of truth. For the most part we still postpone the thought of death, harboring secretly the ancient terror, and perpetuating the ancient tribal symbols of lamentation and despair.

It would seem better that we should teach ourselves and our children to recognize the relation of death to the world of life.

Were we, for instance, to teach our child that Selfishness and Death must meet in battle; that the triumph of Death would mean victory for all the Father and Mother love in their child; that the triumph of Self would bring disaster and grief: that child would link death with the thought of conquering, and the very word would be robbed of the associations that make it terrible. We can only uproot the old idea of death by recognizing as death some of the elements we know to be most beautiful and beneficent in life. Thus we shall find the relation of things one to another. Those intense desires to achieve or possess that once filled us: of what significance are they to us later on? The passion becomes a dead thing; it falls away from our life; what once we longed for we would on no account possess. We ourselves live still, with finer ambitions, perhaps, and better purposes, and the desire has fulfilled its end. If we can but free ourselves from the controlling influence of passions that centre in our personal mechanism, intellectual or physical, we shall no longer fear that the passing of that mechanism will bring extinction to life itself. Such freedom makes us conquerors with God in our life and death experiences, and makes the death of the body a triumphant expression of the soul's supremacy.

Again, death and failure are of one blood—children of the same parent thought. Yet each exists that something finer may be born in us of our grief. A complete failure in the eyes of the world is often a glowing success in the universe of God; and, even if the failure be in the essentials of life, it will have vibrations powerful enough to sweep the experience into the realm of victory if the soul so wills. The force that produces the failure is ours to distribute into other channels. Such victories mean the death of the ignoble; they are victories wholly of the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

spirit, and until manifested in the flesh, in a man's face or in his deeds, we of the world still treat the soul as if it had not been reborn.

Thus each day, in the growth of character, death may be the vanquisher of corruption, and an ally of life. Then let every attribute of our being depart if those attributes remain at the expense of our divine harmony with God. It is those of us in whom such changes never take place who truly suffer death. Mere existence is the deadliest foe to life. The people who merely exist live in a nether world, where the divine light does not penetrate. They have no power over inherited tendencies; devils and disease possess them, and only through suffering, the great revealer of failure, do they live vitally at last. There must be death and annihilation in some attributes of being before man can live to the highest.

No one can work out his ideal of himself without a real and healthy understanding of the place of death in the world. For the ideal of each one of us should include some conception of his own rebirth into the spheres—the rebirth of a soul, with little thought of sex. To think of the life here as a period of gestation—a formative, experimental phase—to think of each day as an opportunity to recreate our conception of ourselves, and to work out this ideal creation of our spirit, this should mean that we command, in a measure, at least, the forces of matter and of spirit, and that we are filled with beauty and radiate wisdom and love. Such preparation for the rebirth into a larger life should be the conscious and joyous accompaniment of our existence—a part of our effort to view life and death "under the aspect of eternity." Such preparation would give us freedom from the mastery of desire. We should be reborn free, pure, without inherited tendencies from the past to be overcome in the unknown future. We shall learn in time to have equal reverence for birth and for death, and to prepare for both with holy and uplifting offices of true spiritual purification. To a life so ordered the moment of physical death could never come as a tragic interruption. When the hour of rebirth approaches, the soul intelligently breaks its bonds; quietly and consciously it severs the cord that binds it to the womb of the Earth-Mother, and goes forth into the spheres!

If there is to be majesty, if there is to be peace in the great

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

hour of birth, through death into life, the one who goes forth and those who remain must alike come into harmony with God. No intermediary gods can help us here. In the hours of greatest need it is not our friends, even the dearest, who are able to suspend or prevent the fate that tears us. Intermediary gods are for the quiet seas of life, not for the tempest and thunder-storms of the soul. When the shattering is past, our spirit must glow with the revelation of God's own majesty that is like the unfolding of the radiant heavens in the sunset hour when the storm is done. Little comfort may come to us from without save as we are at peace with the Master of Souls. Unless we have harmonized ourselves to His law, all else we may meet is dissonance which hurts and from which we flee.

Where there is harmony, where there is peace with God and His laws, there are many symbols whereby that harmony and peace may be made to speak to others, and it is for us to see to it that the freed spirit be not misrepresented by the rites and customs made easy—yet in truth how difficult—by habit and convention.

If we pour out our tears in grief they will dim the light of God that should shine from us now as at no other time. Grief may not dominate us: we must give freely to Wisdom the patience and moderation that Time will exact. We must do our own conquering. Let us bear aloft the Winged Victory and not entrust the conquest of our grief to Time. For us this is the hour of leadership. Is the one reborn into the Universe? We would be reborn upon the earth, and if the union of souls has been intimate and near, be assured that each in some holy and mysterious way knows the condition of the other and gives heed. It is to those who overcome that God gives consciousness of the powers of life and death.

II.

The plant that has rested under the warm mantle of purity throughout the winter bears the most perfect and fragrant flowers in the spring. So he, in that last winter, before the releasing springtime, folded about himself a mantle of purity and faithful trust such as only those may wear who, living in the divine attributes of their being, are yet strong to go on with the material life.

The hearth of the home was cold. Strong winds had threatened its fires, and the embers gave forth neither warmth nor light.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Yet was the daily round of duties done with energy unflagging. The woman companion on that highway Godward sought constantly for some quiet temple in the woods where the altar of the home might be set up and its fires rekindled. She dreamed that she should find and bestow upon the man at last the rest that no prophet of God has yet been granted in this world. But the winter snows spoke to her of the beautiful life of which they were the guardians, and never had the prophecy of spring so stirred in her mother-heart as now. Life must come from a silence so profound, a dedication so deep and pure! Yes, the home that she saw before her gaze held rest and peace and glory for the enfolding of that faithful one for whom she planned and labored. If inward voices whispered that the rest, the peace and glory were to be not of this world, she silenced them and would not hear. God sent His own voice, mighty and compelling, across the wilderness, but to her it seemed the trumpet-call to her own faith and courage. The dove of Hope spoke to her heart, and from the topmost branches of the forest poured the first bird-notes of spring. All life sang a song of faithful love to God and man. But the dear one bent a little lower and hurried to complete his task.

It needed but the touch of the divine finger for the miracle of spring to be wrought out. Already the atmosphere was charged with the divine life and love. To those who listened for the inner voice God revealed His presence and His purposes.

The wooded country yielded no temple for the resurrection of the home; the woman found a ruin at the end of every pathway that led to what had seemed a homestead in the vision of her hope. Only then did she stop and wait upon that divine inner voice, the voice that had been sounding in her ears since the sap had begun to rise in the trees.

As the unborn babe stirs with the prophecy of fuller life, so his spirit that was to be born into a life beyond stirred and made ready to be gone. While all life-forms renewed themselves he wandered into the solitary vales of his own being, there to find in some gentle resting-place within the forest the spring that would refresh his spirit. There he loosened the garments of earth: there, beneath the guiding hand of Death, he fashioned his garment of transfiguration.

Throughout his life he had tasted the bitter with the sweet.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

For he was born under the Christ-Star in his mother's heart, and in her gentle faith the Christ triumphant meant Christ crucified. The vision of the conqueror triumphant in the world of men, because he triumphed in the world of spirit, had not yet dawned for her, and for her son it dawned not as a reality, but as a well-loved dream. The treasures of the earth that he had earned and would have blessed were sometimes seized by other men beneath whose touch the treasure turned to vanity. Yet, with the bitter, he had known the sweet, and he had grown consciously through each experience. He loved all forms of beauty; none was obscured to him: the beauty of the pure bodily joys of healthy manhood; the beauty of nature; the beauty of pure science, of religion, of companionship, of service. All the arts nourished him,—music he heard in all things, and if he could not find the divine harmony sounding in the souls of those who walked with him or passed him he was grieved. In all the forms of life and beauty that sustained him he saw God and worshipped. Yet to the temples reared by man he seldom went. His mission was to heal the sick—the sufferers in body, mind and spirit. He conceived that the loving soul of man could reach out and give aid to its fellows in ways of which a materialistic science takes no heed. It was his triumph that he stood squarely for this truth, reaching thus beyond the prescribed limits of his profession, yet retaining always the respect and faith of those who could not see as yet the path to which he pointed. In his work of healing he was a pioneer and a follower of Christ.

When to this man came the signal to prepare for the final hours of travail through the mystery of rebirth into fuller life—when the message of the spirit came to him, as it ever comes, in majesty and silence—he was ready to obey. In his soul reigned the beauty of holiness.

III.

The woman and the child stood enfolded in unseen warmth and strength. The consciousness of his presence was like the recognition of another sense. It brought a peace that was almost visible radiance. Together they watched the passing of the spirit: together they looked upon the quiet form relaxed and tender as a child's body. Even the habitation bespoke the purity of the life. The soul had not desecrated its beautiful home. Peace and Majesty rested upon the brow; Strength and Love

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

stood sentinels on either side of the fine mouth. It had weathered many storms, that well-tried home of three-and-seventy years; It had proved itself worthy of all honor and tenderness; yet had the soul flung wide the doors to the miracle of spring and had gone forth.

The loved ones who remained, standing there in the full sunlight of God's truth, were born into a larger consciousness. Never again would death be to them aught but one of the processes of the soul's life. No mere words could now convey between their souls and his the recognition and experiences of which each one was conscious. Yet the recognition held; the consciousness of an immortal love brooded above them all. The living looked still upon God's work; they knew that the creation was good, and that they might trust God and wait for the fuller revelation.

In the days that followed that strange hushed sense of recognition never failed. The room in which he had done his work, where lay the beautiful form that had contained his spirit, became the centre of the quiet life that still moved on. As he had always shared and led in all the great moments of the family life so now he led and shared. The letters were written at his desk and by his side, while the sunshine and sweet air that he had loved filled all the cheerful room. Friends came and were welcomed there. Only joy and beauty reigned in that sanctuary. It was the abode of holiness and peace—the peace that is born when life is lived in the consciousness of God. Terror and fear never entered in. The passion of rebellious grief found nothing upon which to feed. So quiet and so mighty had been his victory that sorrow lay at peace in the hearts of his loved ones. Few came into that Presence who were not caught up into the recognition of God's majesty. The others, if there were such, passed like shadows to whom it was given neither to see nor to be seen.

All these days the pure white draperies hung lightly about the resting form. The serene and noble face lay upturned to the light. So it was on the day of the last solemn fête. The same white draperies enfolded him; tall roses leaned against his couch, like the little children who used to crowd about his knee while he unfolded to them, with help of microscope or flower, the tender mysteries of God's world. A great branch from an apple-tree bloomed gloriously above his head, and everywhere were flowers.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

There were no signs of mourning, for this was the festival of his rebirth, the festival of spring. The woman and the child greeted with radiant faces the friends who came. From the simple service, whatever did not declare the beauty of holiness and the love of God was carved away. The finite world pronounced with awe and reverence God's benediction over the habitation of that spirit that had passed into the infinite. Then the wonderful temple for the worship of God was restored to the elemental world. No long and terrible stage of material decay had part in that release. Consciously and lovingly the temple was given over to the most purifying of nature's elements. Because man's will was in accord with nature's own, nature did quickly and generously what in the end she must have done—but grudgingly and slowly.

IV.

Later, by some days, the woman received into her arms a precious burden. She bore it through the highways thronged with unknown men and women who were all unconscious of what it was she carried. She even stopped for a moment and shared in their activities. But all the while her whole being was filled with a surging tenderness, and with a sweeping sense of the power that is vested in us either to glorify or desecrate the experiences of life and death. She carried the burden out to that wooded country where she had hoped to found again the home.

While the summer was yet young the woman, again carrying the sacred burden, led three pilgrims up the steep leaf-covered pathway of a quiet wooded hill. Upon the western slope the woods gave way before an open field, and at the margin grew a straight young oak tree. From the hillside one beheld a vision of God's world, sun-bathed and beautiful, stretching away, it seemed, into the infinite.

Close to the oak tree the pilgrims halted, and there with reverent, unhurried fingers the woman and the child uncovered to the light the precious contents of the jar. There had been an instant of uncertainty and wonder—a wonder that knew not fear, because the past had barred fear quite away; but the heart had questioned silently, and had prepared itself to suffer. Dear God! There was no need. Within the shrine was only beauty, the same merciful and tender beauty that had healed and comforted at every turn. These fair white fragments touched with the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

opalescent colors of the world were but the broken shells of human existence washed up by the great ocean of Eternity and Life. As she gazed upon them the woman thought that she looked down into the mysteries of earth's creative life, and saw how nature had given of her richest treasures to the building of a man.

And the woman spoke:

"Thou material form that we found beautiful living among us, we find thee beautiful still. Here we are gathered to give back to Mother-Earth all that she gave: all that is material we here give back to-day." The woman raised her head with the radiance of an inspired love upon her, and she spoke to the spirit that had passed: "If in thine own wisdom and knowledge of the processes of life—if, in the greater development, the fuller harmony with highest truth that now has come to thee, thou knowest a way to send the vision of that truth across the horizon of the waiting, seeking world—send it. To nature we give back the earthly form.

"Here are the oak trees that thou didst love so well; here are the wild roses and the song of birds; yonder the mountains and the horizon where the sunlight blends our world with that which is unseen. Here thy great spirit could have aspired. Here do I give back this fragmentary form to the great nature that thou didst love."

She stopped beneath the oak tree, and, with filled hands, reverently and tenderly she strewed the fragments at the oak tree's base. The other pilgrims followed in her lead.

The woman turned to them with shining face:

"We have given the material form itself to the oak tree—each of us. Now let us scatter all that is left to the winds—yes, let us give it to all the world, even as he sought in life to strew his strength and goodness wide over all. From everything in life there is an overflow, an effulgence that reaches into space. And as the spirit radiates, so radiates also the material form. We have given all that had shape to this sacred spot beneath the oak tree; now let the overflow reach all the world." She lifted both full hands. "Come, let us go together to the edge of the hill; we will sow it like grain," she said.

"United we give these ashes out upon the winds. May all those who loved him be with us now in spirit: may they, too,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

share in the gift of this to all the world. When they are come to the invisible gateway, may they, too, pass through in majesty and peace.

"And now, O Thou Infinite Spirit, fill us with that divine strength which unites us with Infinite Life, and with all its manifestations helpful to others and to ourselves wherever that Life is. Help us to live so in touch with the Eternal and Infinite that we may give out all that we see of truth,—broadly, truthfully and tenderly. This was his aspiration, this is for what he lived. And so we in this hour dedicate ourselves to Truth."

The woman bowed her head and silently withdrew with backward steps, her face still turned to the horizon.

Such is the message of Death and the Rebirth.

CHARLOTTE OSGOOD MASON.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEW BOOKS REVIEWED.

BY CLAYTON HAMILTON AND CAROLYN SHIPMAN.

"SAPPHO AND PHAON."*

CONSIDERED as a poem to be read, Mr. Percy Mackaye's "Sappho and Phaon" surpasses all his earlier productions. Considered as a play to be acted, it does not pass beyond their ineffectiveness. In this age of specialization, it is, perhaps, presumptuous to expect a man to be at once a poet and a dramatist. The art of literature and the art of the theatre were wedded in the spacious times of great Elizabeth; but conditions have changed since then, in the playhouse and out of it; the two arts have grown divorced; and not even in the work of Mr. Stephen Phillips have they been completely reconciled. In all of his work thus far, Mr. Mackaye has shown talent as a poet and lack of talent as a playwright. He seems to sense his themes as narrative, instead of drama; and he writes in closet-verse, instead of theatre-verse. Even "Jeanne D'Arc," which evoked considerable commendation when performed by Miss Marlowe and Mr. Sothern, was a transitory panorama of narrative and lyric episodes; instead of a firmly builded play, marching through a clash of character on character to a culmination and a consequent catastrophe. Mr. Mackaye will never be an effective dramatist unless he learns to appeal to the mind of the multitude instead of the mind of the individual; unless he learns to care more for his people than for his poetry; unless he learns to write for the sake of his scene rather than for the sake of his writing; and unless he learns to build for the spectator instead of for the reader.

The greatest fault of "Sappho and Phaon" as a play to be

* "Sappho and Phaon." A Tragedy. By Percy Mackaye. New York: The Macmillan Company. 1907.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

acted is its greatest merit as a poem to be read. This merit or this fault (according to the point of view) is elaborateness—elaborateness both of structure and of style. The tragedy is set forth in a prologue, an induction, a prelude, three acts, two interludes and an epilogue; and it is written in prose, trimeter, tetrameter, pentameter, hexameter, and the Sapphic stanza. One trembles for the producer who will undertake to set and for the actors who will undertake to speak the lines of such a play. But verdict on the piece as a theatrical production must be reserved until the curtain rises in the fall; and henceforth in the present paper I shall consider it merely as a work of literature, and call attention chiefly to its merits, not its faults.

The elaborateness of the author's mechanism is occasioned by the historical imagination with which he approaches the main business of his story. At some future time, an American archæologist named Medbery is engaged in the excavation of an ancient private theatre in Herculaneum. In the players' quarters he discovers a make-up box and certain stage properties which were used in B.C. 25 by the actor Actius and the mime Nævoleia in a special performance of a tragedy by a Roman poet, Varius; and he discovers also the manuscript of the play. Dreamfully then the scene, without changing its place, shifts its time backward through the centuries to a moment just before that special performance, when Varius brings his poet-friends Horace and Virgil to a colloquy with Actius. Then follows the production of Varius's tragedy, "Sappho and Phaon," with pantomimic interludes between the acts; and when at last the tragedy is melting to a close, the scene reverts again to the future, with Medbery musing over the deep discovery of the subterranean world.

In this novel and imaginative way, Mr. Mackaye furnishes his ancient-seeming tragedy with a reason for existence. With Medbery's enthusiasm the reader delves among antiquities until he finds himself spectator of the play; and thus by easy stages he makes his journey to the old Ionian isles. It must be admitted, however, that the induction seems designed for no more dramatic purpose than merely to introduce the personalities of Horace and Virgil. Yet, both are admirably sketched — Horace, with his small talk about "the ample voluptuous scallop" and "the lush, lascivious oyster," and Virgil, with his bucolic calm,—

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"I think the view
Behind your villa, Varius,
Is beautiful: Vesuvius
Raising its quiet dome of green
Above us in the blue; below us
The red roofs of Pompeii, and
The sea—a blazing shield."

But Actius's defence of the player's calling, which is introduced gratuitously into the scene, seems to me inferior to others in our elder literature,—that, for example, which Thomas Heywood prefixed to his "Apology for Actors" in 1612.

Although the reader moves with interest through the intricate inductive labyrinth, it is hard for him to feel, when the tragedy is finally disclosed, that it is (as he is asked to suppose) the work of a Roman poet. For the play is modern in thought, in method and in style. In tone, it is romantic and not classic. It is Greek only in the purity of its artistic purpose, in the passionate simplicity of certain passages, and in its occasional employment of rhythms out of the Anthology. It observes the unities of action, time and place; but it is constructed without a chorus, and its nemesis is not fatality (the classic motive for tragedy), but attitude of character toward life (the modern motive).

Sappho, the poetess of Lesbos, is beloved by Pittacus, the tyrant of Mitylene, and Alcæus, the lyric poet. She is cold to both of them; for she loves Phaon, a public slave and fisherman. Phaon is married to Thalassa, a slave woman, by whom he has two children. We may suppose that he is beautiful of body; but he shows neither beauty nor ability of mind, until Sappho influences him and he mirrors the fire of her own poetic passion. With her he flees from the habitable world; but the inertia of the commonplace commands him to return. His younger child has died of neglect; and now in the dark he mistakes his elder child for Alcæus, and slays him. Thus bereft, he trembles from his eminence of passion, and returns to Thalassa. Sappho hurls herself into the sea.

It will be seen that the leading motive of this story is the conflict, within Sappho's bosom, between liberty of passion and the restraint of social law. This is a modern motive. Glorious at first in the ecstasy of individual emotion, she cries of "the teeming, terrible maternal sea,"—

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"I will be free of her!
Her ways are birth, fecundity, and death,
But mine are beauty and immortal love.
Therefore I will be tyrant of myself—
Mine own law will I be! And I will make
Creatures of mind and melody, whose forms
Are wrought of loveliness without decay,
And wild desire without satiety,
And joy and aspiration without death."

But tamed at last by drear experience of actuality, she prays to Poseidon,—

"God of the generations, pain and death,
I bow to thee.—Not for love's sake is love's
Fierce happiness, but for the after-race."

(A New England commonplace which the imagined Roman Varius would not have written.)

"Yet, thou eternal Watcher of the tides,
Knowing their passions, tell me! Why must we
Rapturous beings of the spray and storm
That, chanting, beat our hearts against thy shores
Of aspiration—ebb? ebb and return
Into the songless deep? Are we no more
Than foam upon thy garment?—flying spume
Caught on thy trident's horn, to flash the sun
An instant—and expire? Are we no more?"

But, although the play is modern both in thought and in method, it is in spirit synchronous with antiquity. And it is without surprise that the reader comes upon such echoes of the actual ancient Sappho, as this lovely fragment,—

"Soon shall the moon on the waters
Sleep, and the Pleiades; midnight
Come and the darkness be empty,
I in the silence—be waiting:—"

or as this ultimate Sapphic stanza,—

"Beautiful Sister, goddess of desire,
Come to me! Clasp me in your wings of sunrise
Burning, for see! I go forth to you burning
Still.—Aphrodite!"

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

There is noble poetry in these passages, and in many others. At times the verse is too carefully patterned, both in rhythm and in literation; it calls attention too flauntingly to its author's verbal talent. But oftener it is simple, sensuous, impassioned. And the mood of the whole poem is richly imaginative.

As I suggested at the outset, I doubt that "Sappho and Phaon" will prove of interest to the average audience when it is presented on the boards by Mr. Fiske, with Mme. Kalich in the leading rôle. But in its present aspect as a poem to be read, it is very worthy work. Seekers for an evening of loveliness will do well to muse upon it, quietly.

CLAYTON HAMILTON.

WILLIAM JAMES'S "PRAGMATISM."*

ACCORDING to their individual temperaments, philosophers are broadly divided into rationalists and empiricists, the "tender-minded" and the "tough-minded," to use Professor James's distinction. The rationalists are believers in abstract and eternal principles; they are intellectualistic, idealistic, optimistic, religious, free-willist, monistic, dogmatical. The empiricists are lovers of facts, sensationalistic, materialistic, pessimistic, irreligious, fatalistic, pluralistic, sceptical.

These distinctions appear to be so radical as to array the followers of the two systems of thought irrevocably against each other. Yet they can be reconciled, and it is pragmatism that is the mediator.

What is pragmatism, and what is its value to philosophy?

Briefly, it is (1) a method whose essence is action, (2) a genetic theory of what is meant by truth. It represents the empiricist attitude, which turns its back on fixed habits, abstractions, verbal solutions and finality in truth, and faces towards facts, concreteness, action, possibilities of nature and power. It has no dogmas; it does not stand for special results, because by the very connotation of the term, absolute, final results are impossible. Empiricism presupposes endless experiment and progress, the conclusions of one generation of thinkers giving way to other and better deductions based upon new facts,—not the

* "Pragmatism. A New Name for Some Old Ways of Thinking." Popular Lectures on Philosophy. By William James. Longmans, Green & Co.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

closed circle of the rationalistic philosopher, whose world is immutable, and without relation to individual minds and their efforts.

Pragmatism maintains cordial relations with positive religious constructions as well as with facts. It is a *via media* capable of satisfying the demands both of religion and of science. Its temper is diplomatic; listening, observing, weighing, concluding, with mind set towards the future, and always open to conviction, ever ready for fresh truths founded on old ones; "an attitude of orientation . . . looking away from first things, principles, 'categories,' supposed necessities, and looking towards last things, fruits, consequences, facts." It is a method of interpretation of metaphysical questions by tracing practical consequences.

Its ever-recurring question is, What *difference* does this or that belief make? What is the *concrete consequence,* the "cash value," as Professor James puts it?

The Italian pragmatist, Papini, describes it as lying in the midst of our theories, like a hotel corridor. In one room is an atheist writing; in another, a mystic praying; in a third, a chemist experimenting; in a fourth, an idealistic metaphysician expounding his theories; in a fifth, another philosopher refuting the metaphysician's arguments. But they all share the corridor, and must use it to communicate with one another.

The method is not new. It was used by Socrates, Aristotle, Locke, Berkeley and Hume, but fragmentarily. Schiller, the Oxford exponent of the theory, calls it Humanism,—the doctrine that the world is plastic; "it *is* what is made of it," and therefore our truths are "man-made products," like law and language. They *make themselves* as we go.

Such bold statements are bound to antagonize the rationalist, whose nature it is to rise in revolt against anything that disturbs the old order of things. The purely rationalistic type of mind cannot admit new ideas. To him reality is ready-made, and he accepts it, without a murmur, as he finds it. To him the words "God," "Matter," "Reason," "the Absolute," are names upon which he can rest. To the pragmatist, a word is merely "a programme for more work," with a practical "cash value" if it is worth anything. To him, theories are merely instruments, not answers to enigmas.

Just as the orthodox Christian turns with most interest to that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

chapter in the Unitarian belief which treats of the Crucifixion and the Resurrection, so the rationalist studies with searching, and often scornful eye, the pragmatic conception of certain metaphysical problems, *e. g.*, Substance, God, Design, Free Will.

The scholastic notion of Substance is a something behind the attributes of an object in which they inhere, and through which the Substance is made known to us. The pragmatic idea of Substance is precisely Berkeley's: the sensations of matter, *e. g.*, color, form, hardness, etc., are its sole meaning for us. We need not concern ourselves with the vague "something" behind those sensations. The presence of matter means those sensations; its absence, the lack of them.

The only instance in which the Substance *per se* has any pragmatic application is the Eucharist, granting "the real presence." Since the attributes of the wafer do not change, the divine substance must be miraculously substituted for the bread substance.

Transcendental idealism postulates an absolute, a mind which creates a universe by thinking it, and which embraces all things in itself—evil and good, finite and infinite, each of the pair necessary to the existence of the other. The God of traditional theism is an exalted monarch who lives on as high a plane of abstraction as the other.

Professor James criticises both of these "majestic conceptions" on the ground that they have no relation to concrete experience and are too remote from this world of sordid conditions. A belief in the presence of the Everlasting Arms, he says, furnishes comfort to a most respectable class of minds, but "it substitutes a pallid outline for the real world's richness."

To a student of Spencer's "First Principles," who has sat outside the door of that philosopher's unknowable, trying with strained, tired eyes to peer into the inner darkness, where not even a flitting, amorphous fragment gave evidence of things not seen, the following characterization of Spencer will prove impressively picturesque:

> "His dry schoolmaster temperament, the hurdy-gurdy monotony of him, his preference for cheap makeshifts in argument, his lack of education even in mechanical principles, and in general the vagueness of all his fundamental ideas, his whole system wooden, as if knocked together out of cracked hemlock boards—and yet the half of England wants to bury him in Westminster Abbey."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Just here the personal equation comes in. Religion and philosophy are largely a matter of temperament, even of physical condition. Undoubtedly if the Father of Pessimism had not been a confirmed dyspeptic, the history of philosophy would have been quite different in respect of Schopenhauer. Conservatives in temperament will always be formalists,—rationalists, Romanists, mystics, etc.; radicals will always seek to burst the bonds of convention. Professor James admits that if belief in Absolutism affords any degree of comfort to any one, it has so much "cash value" and must be duly considered, since "true is the name of whatever proves itself to be good, for a definite reason, in the way of belief."

To the theologian, Design in nature proves the existence of God. To the pragmatist, "Design" is what Professor James calls a blank cartridge, as it carries no consequences. *What* design and *what* designer? are the only questions that concern him, and the answer can be found only in the study of facts. Confidence in the future because of a "seeing force that runs things" is the only pragmatic justification for belief in design.

Free-will, to consider another metaphysical problem, is regarded by rationalists as a virtue, the possession of which gives peculiar dignity to man, thereby making him more admirable. But the belief in Free-will is really founded on pragmatic grounds, since it implies novelties in the world, a future which does not absolutely repeat the past. It has no meaning pragmatically unless as a melioristic doctrine, says Professor James, with improvement as a possibility,—a cosmological theory of promise, not a petty doctrine involving punishment and rewards of merit. Pragmatism here spans the gulf between the two extremes of rationalistic free-willism and empiricist fatalism. Like the athlete whose final triumph in the race is determined by the rigor of his daily training, so the individual, at an ethical crisis (I take it), acts in accordance with his nature at the moment of his "decision" (determinism), that nature having been fortified by mental effort along the desired lines (free-will).

There are three classic stages in the career of a theory, says Professor James. First, it is attacked as absurd; then admitted to be true, but obvious and insignificant; finally it is seen to be so important that its adversaries claim to be its discoverers. The theory of pragmatism is slowly advancing from the first to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the second stage, and perhaps there lives no better exponent of the open-mindedness, concreteness and vitality necessary to get it into the third stage than Professor James. "Better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied," said John Stuart Mill, to whom this book is dedicated as to one who might be the leader of Pragmatism were he alive to-day.

Pragmatism is not a philosophy of dissatisfaction, but it *is* a revolt against a universe "with a tight belly-band," where all metaphysical questions are forever settled and shelved by thinkers whose opinions are no more worthy of consideration than their opponents'.

The belief in rationalism is like acceptance of Romanism. Once you are in the ship you're safe, but you're also anchored. If you embark on the vessel of Pragmatism, you sail out into a world of promise, in the spirit of adventure which says, "If I lose, I do but lose. If I gain—what enormous possibilities!" You accept the mutability of all things (including truth) as you would the prospect of storms. It is the major premise of your syllogism.

I know personally the fascination of transcendental idealism. Its spell is potent at the age when one wishes to see the universe written down in terms of finite and infinite. Its authoritativeness seems a brilliant answer to the riddle of the universe, like the glittering ball which the hypnotist holds before his subject. But it doesn't get you anywhere! From the pragmatic point of view, the noble heights of contemplation and the rarefied air of speculation and theory have use only as they provide strength for the contests in the valleys below; abstractions are all right if they carry you anywhere, says pragmatism.

From the point of view of mere interest, then, pragmatism is infinitely superior to either rationalism or materialism, for according to this theory, the world is malleable, and eternally incomplete; beliefs are merely rules for action, and the only value of thought is dynamic. No one can deny, says Professor James, that to believe ourselves creators of reality would add to our dignity and to our responsibility as thinkers. The tonic effect of such a belief is the same as one feels in leaving the close, incense-laden air of a cathedral for the pure, invigorating air of the moors.

CAROLYN SHIPMAN.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WORLD-POLITICS.

LONDON: ST. PETERSBURG.

LONDON, *July, 1907.*

ENGLAND has followed with an interest not wholly free from disquietude the rumors and counter-rumors of American naval changes. Whether Mr. Metcalf was making an unauthorized stroke off his own bat, whether he spoke with the approval of the President and the Naval Board, whether, in short, the contemplated voyage of the main American fleet from the Atlantic to the Pacific is really to take place, we over here do not definitely know. Nor are these the only points on which our information is meagre and confused. Assuming that the move has been officially determined upon, we are wholly at sea in guessing whether it is merely a temporary disposition, "simply a matter of routine in the management and drill of the navy," as Mr. Loeb declared it to be, or whether it foreshadows a permanent redistribution of the American naval forces. Is it of no more significance than the familiar cruises of American squadrons in European waters, or is it, as the London "Outlook" surmises, "a political and a strategical event of the first moment—the most important event of its kind since our own concentration of naval strength a year or two ago"? What is its objective? Is the Atlantic seaboard to be denuded of battle-ships simply that the citizens of San Francisco, who, so far as is known in England, have not of late done much to deserve the favors of the Federal Government, may be regaled with a sight of the most powerful fleet that the United States has ever assembled? Is it the official intention that the twenty-odd men-of-war, after their sixty days' voyage, shall merely burn a certain amount of coal off the Golden Gate, and then return whence they came? Or will they, when they leave San Francisco, point west instead of south, cross the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Pacific and drop anchor in Manila Bay? Or will a sufficient number of them remain off the western coast of the continent to form the nucleus of a permanent Pacific squadron? Are we to understand that the voyage marks the beginning of the systematic assertion of American power in the Pacific and hints at what will prove to be the final disposition of American naval forces—a small squadron in the Atlantic and a far larger one in the Pacific? And, lastly, what political inference, if any, is to be drawn from the decision to effect the transfer from the one ocean to the other at this particular moment? Does it mean that, from the standpoint of American interests, the Atlantic has descended and the Pacific has risen in the scale of ultimate political and strategical importance? Is the voyage no more than an opportune riveting of the many links of sympathetic cooperation and good-will forged by Mr. Root during his South-American tour? Or is the occasion for it to be sought in the friction that has arisen between the United States and Japan? Or, as the eloquent *communiqués* from Oyster Bay would have the world believe, has it no international significance of any kind whatsoever? May one, in fact, put it down as nothing more than a novel, interesting, but in no sense portentous, experiment in naval manœuvres—an experiment that, if carried out, will overwhelmingly demonstrate the strategical necessity for the Panama Canal and the inadequacy of the present naval forces of the United States for the protection of her two coast lines?

These are all points that the English press, English publicists and English naval men are eagerly canvassing. Their resultant opinion, on the main question at any rate, is definite enough. They agree that the expulsion of Spain from Cuba, the revolution in Anglo-American relations and the constantly diminishing probability of a European war arising out of the Monroe Doctrine, have within the last ten years made it unnecessary for the United States to maintain in the Atlantic much more than a mere police and patrol squadron. At the same time, their interests, commercial, political and territorial, in the Pacific and in the Far East have enormously expanded. If, therefore, it really be the intention of the American Government to transfer the bulk of the fleet from the Atlantic to the Pacific, Englishmen believe that the intention needs no further justification than may be found in these two facts. They look upon it as a re-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

arrangement that, in all its essentials, was determined by the results of the war with Spain and their consequences.

But, while approving and defending, on general grounds, the projected move from the New York to the San Francisco side of the continent, English opinion is inclined to question its expediency at this precise juncture, and to think that it is likely to complicate a situation already none too easy. Granting that its necessity arose long before, and was in no way connected with, the trouble between the United States and Japan, it is still held over here that a decision which would inevitably be twisted into looking like a demonstration against Japan, or at least a strong precaution against Japanese "designs," should for the present have remained unannounced. The vast majority of Englishmen have no fear of any serious breach of the excellent relations that have hitherto obtained between America and Japan. But they suspect that those relations, in their popular if not their official form, are not now quite so cordial as they have been; they realize that the question of Japanese coolie immigration is still far from being at an end; and, with Japanese pride on the one side and the yellow press and American "politics" on the other, they think it not impossible that public feeling on both sides of the Pacific may be worked up into a state of irrational but none the less disquieting tension. They regard it, therefore, as of some importance that the San Francisco mob should not be led into thinking that its methods of provocation are not without official endorsement; and it is because the voyage of the American fleet from the Narrows to the Golden Gate might just now appear to convey this endorsement that Englishmen find it in their hearts to wish it had been postponed. I need scarcely add that all this speculation about America's alleged plan of naval redistribution has immensely whetted European interest in the specific question of Japanese immigration into the United States. England's interest in this question is twofold. In the first place, she is the ally of Japan and therefore interested in all that concerns the foreign relations of Tokio, even though the matter at issue may lie, as this one does, wholly outside the scope of the alliance. In the second place, she is watching California for a hint as to how to deal with, or rather how not to deal with, a problem that sooner or later will confront herself in British Columbia, in New Zealand and in Australia. Already the Im-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

perial Government has found itself obliged to disallow a law passed by the legislature of British Columbia excluding Japanese coolies. In Australia, the feeling against the yellow man as a competitive settler is perhaps the nearest approach to a really national sentiment that the antipodean continent can boast. With that feeling Great Britain, at whatever jeopardy to the Japanese alliance, must ultimately associate herself. The "Spectator," which to a degree unrivalled by any other journal represents the reflective common sense of England, clearly recognizes this. In an extremely earnest and forcible article that appeared on July 13th, it said:

"We have the highest admiration for the valor, the patriotism, the genius and the great spiritual qualities of the Japanese, and none desire more ardently than we do to live on the friendliest terms with them, and to see them play that great part in the world's history which we believe they are destined to play if they are content to move at first slowly and prudently. At the same time—as they, we are sure, will be the first to admit—be the claims of logic and pure reason what they will, our duty in the last resort is to our own flesh and blood. We must stand by our own people, and by the communities which form part of our Empire. This does not, of course, involve standing by them in outraging any moral or religious or political obligation; but stand by them we must when they are vindicating with reason and moderation and a due regard to justice their instinctive feeling that they can only develop their national life on the highest scale if they remain white men's countries, governed in accordance with the ethical and religious ideals of the Western races."

I have reproduced this somewhat lengthy passage, partly because I know of no one in England who would not subscribe to it, and partly because Americans may derive consolation from studying it. They will realize after reading it that the difficulty which confronts them in California is by no means peculiar to themselves alone. Identical troubles are in store for Great Britain, and may yet profoundly affect the course of British foreign policy and the relations between the Home and Colonial Governments. It is a fact, not without its obvious bearing on the future of the Anglo-Japanese alliance, that the Californians, in their proceedings against the Japanese should have found in Australia, New Zealand and British Columbia the support and approval apparently denied to them by their own fellow countrymen.

While the American Navy Department at Washington seems

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to have been coming in for a good deal of criticism from Americans, the British Admiralty has also been subjected to the attacks of its countrymen. Indeed, for the past few months, England has been passing through one of her periodic, healthy and thoroughly commendable scares about the navy. I say "healthy" and "commendable" because, in a country like this, where the impulse toward reform is generated from below and not imposed from above, it is a most encouraging sign that, in the most vital of all national questions—and there is no British question that will begin to compare in importance with that of the navy—the people and the press should take a sustained and vigilant interest. Unquestionably, at this moment, there is a feeling in the public mind that all is not well with the British navy. Ever since Sir John Fisher was appointed First Sea-Lord, the most drastic schemes of naval reorganization have been initiated and enforced. With the pivotal basis of those schemes —the concentration, namely, of British sea-power in home or, at any rate, European waters for the purpose of offsetting the growth of the German high sea fleet—the country is in entire agreement. But with various details of the new *régime*—particularly with the newly devised system of educating officers—and with some of the consequences of the redistribution of the fleets, criticism has been free and even violent. I have in mind especially the question of retrenchment. Within the last three years the naval estimates have been reduced by over $30,000,000; the personnel of the navy has been cut down by three thousand; the number of workmen in the Royal Dockyards is said to be eight thousand less than it was in 1904; many naval stations all over the world have been abandoned; in the last ten years it is asserted that England has laid down only sixty-four destroyers to Germany's seventy-two; and the present programme of construction is said to have not merely fallen below the two-Power standard but to be on a smaller scale than that of a single European rival. In addition to this, grave allegations are made to the effect that the composition, training, equipment and disposition of the Channel Fleet make it inferior to the force that Germany could at any moment bring against it, while the Home Fleet is roundly declared to be "not a true fleet, but a more or less fortuitous concourse of naval atoms."

I am not a naval expert and dare neither refute these charges

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nor endorse them. But, using simply such common sense as an uninstructed layman can bring to the study of the problem, I incline to the opinion that, though they spoil it by needless heat and exaggeration, the critics of the Admiralty have substantially a good case, that the Channel Fleet is below its prescribed strength and not organized with the completeness essential to a force that is supposed to be ready to strike at a moment's notice, that the system of "nucleus crews" is impairing efficiency and discipline, and that the Home Fleet—the second line of defence—is not instantly available for war and, so far as I can gather, will not be so for another fifteen months or two years. I do not, on the other hand, believe for a moment that the charge of sacrificing efficiency to economy—a charge always preferred against Radical governments in this country—is well founded. Moreover, it is, I think, a sound view that the shortcomings, such as they are, in the present state of the British navy are due not to any radical defect, but the temporary confusion inseparable from any great scheme of reorganization. They are not on that account any the less serious or reprehensible, and I am bound to say that a great many people, including officers in the service, believe them to be more widespread and detrimental than the surface indications would lead outsiders to suspect. This view is strongly held by a section of the Navy League, that admirable non-party organization which has done more than any other body to foster popular interest in the navy. The more militant spirits in the League, feeling that the inactivity of the executive committee in the face of the naval reductions amounted to a betrayal both of the country and of the League's *raison d'être,* summoned an extraordinary meeting on July 19th, at which some exceedingly pointed language was used. The executive committee managed to secure the adoption of an amendment in its own favor by a moderate majority, but the views expressed and the feeling engendered during the three hours' debate showed the intensity of doubt, suspicion and perplexity with which those who have most closely studied the subject regard the naval situation.

ST. PETERSBURG, *July, 1907.*

"THE miserable have no other medicine, but only hope," Shakespeare tells us. That is emphatically the case of the Russian people of to-day, who unfortunately cannot take even that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

comforting potion in any but homeopathic doses. In all quarters of the compass, the horizon looks black, the sky lowering, and only the optimistic think they can descry a silver lining to the clouds. Probably no such extraordinary political situation has been known since the dawn of history. It is unique. The nation, or the spokesmen of the nation, refuse to be satisfied to-day with a constitution a mere fraction of which would have contented them two years ago. They ask for a democratic parliamentary *régime* which must spring from the brain of the Premier ready made, as Minerva sprang from the head of Zeus. The Cabinet, falsely suspected of strong leanings towards autocracy, is really moving heaven and earth to get a Parliament accepted and established as part of the machinery of government. Thus the rôles of the two adversaries have been entirely changed: the Tsar's Ministers are now the champions of constitutionalism, while the democratic parties are straining every nerve to oppose it. The latter maintain that half a loaf is not better, but worse, than no bread at all. Hence their motto is, "Everything or nothing." M. Stolypin, on the other hand, entreats them to take what is being offered, and to use that as a stepping-stone to their own goal. "That is the natural course to take; it is the historical method; it is the only safe system." But they refuse. And each party proceeds to put unconstitutional pressure on the Ministers and the Crown: these by means of political assassination, those by systematic attacks on the finances, and a third group by elaborately sowing discord in the field of foreign policy between Russia and her ally. One and all, they seem unable to grasp the fact that, whoever may succeed in sowing the wind, the whole nation will be forced to reap the whirlwind. If France and Russia fall out, the result will inevitably be a close friendship between the Tsardom and the Kaiserthum, to the detriment of representative institutions. In like manner, if Russia's financial credit abroad be seriously impaired and her solvency at home endangered, one of the consequences will be a check to liberal reforms, not one of which can be effected without money.

At present the attitude of the Russian people may be described as that of suspense. The bulk of the nation cannot see clearly through the political tangle, and even most of the political orators are sorely puzzled by the experiences of the last few months. And nobody knows or can guess what is coming next.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The feeling is general that a Duma of the type already tested is unsuited to the nation, but it is equally general that no statesman or politician has as yet learned the magic word, the open sesame, to legality, order, prosperity. None the less, it would be wrong to despair, as so many Russians are prone to do. For the recuperative powers of the nation are extraordinary. Like those curious mosses which, apparently dead and desiccated, yet come to life after many years, increasing and multiplying as in the days when they were young, the Slav people are endowed with uncommon vitality. More than once before, history tells us, they were in quite as sorry a plight as that of the present moment, and yet they somehow went through the ordeal unscathed. Is not the past, in this case, a safe index to the future?

One hundred and forty years ago, the Great Empress Catherine made an experiment in the domain of representative government which bore a striking likeness to the essay which her successor Nicholas II is making in the same sphere to-day. She convoked a parliament which was to act as the intermediary between the nation and the Crown, to share in the responsibility of the monarch and assist the Government to make just laws for the people. The enterprise was well meant, but the masses could not grasp its significance. They lacked moderation; self-mastery and patience were unknown to them; and they set back the reform movement nearly a century and a half. But before they went to their homes, they addressed the Empress in the following words, which were lately laid before Nicholas II by one of his advisers:

"When we look around upon the phenomena of the time in which we live, our soul is thrilled, and the fall of the Empire presents itself in lively colors to our imagination. We behold our religious faith given over to the contempt and mockery of men of other races. We see the operation of our laws arrested: everywhere contradiction and a refusal to execute them prevail. Even Justice itself is enfeebled by the general decay of conscientiousness and morality. Not only are the pillars of the government shaken, but its very foundations are shattered. The imperial revenues are running dry, trust in the Empire is fading, and Russian trade and industry are in consequence depressed. Brigandage, covetousness, self-interest, violence and other vices, awakened by the conduct of outsiders who have settled among us and encouraged by many people, are growing to the ruin of the nation and render the evils that have overtaken our fatherland like unto wounds that cannot be healed."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Those remarkable words, uttered in the year 1767, describe fairly well the condition of things Russian to-day. Yet the nation extricated itself from the tangle of evils and dangers in which it then seemed hopelessly caught. And the feat achieved then may well be repeated to-day. Whether the third Duma will save the country is a question which all parties now unanimously answer in the negative. The Zemsky Congress, which was held during the second half of June, is looked upon by the Democrats as an indication of what the coming Parliament will be, and on the strength of the proceedings of that body the progressive press has raised a cry of despair. And yet the readers of this REVIEW who are interested in Russian affairs will probably remember that the first Russian Constitutional movement, nay, the preliminary Duma itself, was formed exclusively of members of the Zemstvo, who, risking imprisonment and graver dangers, broke the law and met in secret conclave more than two years ago. One hundred and seventeen members were present at the recent Zemstvo convocation, of whom there were but thirty representing the Extreme Right, all the others belonging to various groups of the Opposition. But most of the Zemstvo workers, being men possessed of a stake in the country and enlightened by the training and experience which they obtained as members of the chief autonomous body in the Empire, gave vent to opinions which differ notably from those of the first and second Dumas.

Many press organs of the Opposition affect to regard the Zemstvo Congress at Moscow as a fair indication of what the third Russian parliament will be: a mockery and a delusion. Several journals declare that, if the third Duma resemble the Zemstvo Congress, there is no hope that the country will be pacified by its legislative activity. Meanwhile, preparations are being made for a brisk fight at the elections; and, on the principle that everything is fair in love and war, the heavy artillery of reckless accusation is being hurriedly brought to the fore.

Very serious is the quarrel between the Cadets and the Right, for it turns upon political murder. Piquancy is imparted to the discussion by the incongruity of the rôles of the actors: the Cadets, who have obstinately refused to condemn political assassination, incendiarism or brigandage, now accuse the conservative League of the Russian people, which has solemnly and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

repeatedly stigmatized all three crimes, of having killed two Cadets and twice endeavored to murder Count Witté. The reply is a flat denial of the charge. But, on the other hand, it is a fact that the official press organ of the Russian League has over and over again employed language, when criticising its political opponents, which was calculated to excite the reading public to acts of violence against the persons thus held up to opprobrium. And for that reason it is well to learn the interesting story now told by the revolutionists.

In the beginning of June, in the outskirts of St. Petersburg, beyond the River Okhta, a corpse was found horribly disfigured, the head almost severed from the body. The police ascertained that the victim of the crime was a workman named Kazantseff, whose name had been mentioned in connection with the murder of the Cadet Herzenstein, twelve months ago. But beyond this the police could not penetrate. Very soon afterwards the revolutionists issued a circular informing the world that they had succeeded where the police had failed. The young man who killed Kazantseff had come to them remorsefully and told them the story of his adventures and misdeeds.

Kazantseff was a workman in Tillman's factory at St. Petersburg, where, in 1904-1905, he became intimately acquainted with a fellow operative, who may be called Ivanoff. In December, 1905, when Witté was Premier, Ivanoff was arrested and sent out of the capital. But, as usually happens in such cases, he came back again incognito, and resided on the banks of the Neva as before. That is the rule nowadays. Once more he and Kazantseff met, and the latter took him to Moscow on false pretences, fraternized with him as a brother Socialist, informed him that "the party" had resolved to kill a certain Count and requested Ivanoff to lend a hand and to enlist other helpers as well. Ivanoff thereupon goes straight to one of his friends, whose identity is veiled by the pseudonym of Feodoroff, and asks him to join the circle of voluntary executioners. Feodoroff assents, as a matter of course; and he it is who now tells the story to the revolutionists and makes an act of contrition. But when Ivanoff is about to bring Kazantseff and Feodoroff together, he is arrested. None the less, the interview between the other two takes place, and Kazantseff unfolds his scheme of murdering "the Count." Feodoroff, who seems put out by the arrest of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Ivanoff, is inspirited by Kazantseff, who says: "Don't let that worry you. As soon as we finish our work we shall have money, and then we'll rescue Ivanoff."

Then the tempter continued his easy task, explaining that the Count in question (Witté) had turned traitor to the party and had denounced a number of "comrades," who were now behind bolts and bars, and now it had been decided to execute him. All that was needed was that Feodoroff should set about the business at once and enlist the services of a helper. And Feodoroff assented, went straightway to a fellow workman and asked him to help to kill the traitorous Count. The comrade complied with the request and the pair began to fill two infernal machines. The next morning, at five o'clock, they took a drosky and drove to the street in which Count Witté's house is situated and there Kazantseff showed his assistants what to do and how to do it. At seven o'clock the latter entered the court of a neighboring house, reached the stables, and by means of a ladder climbed up to the laundry of Count Witté's house and thence to the roof. They had first to remove the vanes and then they lowered the infernal machines, one into each of the chimneys. At nine o'clock the machines were timed to explode. But neither then nor later did the catastrophe occur. Kazantseff, discontented and suspicious, met the two mercenaries at noon, and upbraided them with the failure of the plan. There had been some hitch, owing to the careless way in which they did the work. But everything might yet be made good, if they would fetch two pieces of iron weighing from ten to fifteen pounds each and lower them on a string until they struck the infernal machines. The next morning the two came with the pieces of iron, but before they arrived at the house they learned that the machines had been discovered.

Kazantseff, when next he met the amateur executioners, instructed them to write letters to Count Witté demanding money. One day such a threatening letter was received by Count Witté. It called upon him to pay a sum of money under pain of death, and it told him to whom he was to hand over the ransom—naming a petty employee in a certain State institution. That letter was at once forwarded by the Count to the Director of the Police Department. A few days later a second letter was brought to the Count by a public messenger who stated that he had been instructed to wait for an answer. *This public messenger the Count*

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

handed over to an agent of the secret police. But, so far as I am aware, nothing came of the action taken by Count Witté.

The scene of the next act of this wild drama was Kazantseff's own well-furnished flat in Moscow. Here we see him boasting to Feodoroff that he is living under an assumed name and with a false passport, and explaining the details of the next patriotic work. This time the victim is also a "traitor," who, having taken part in a successful raid, kept eighty thousand roubles ($40,000) of the spoil for himself and is now condemned to die. Feodoroff undertakes to "do for" this backslider and comrade.

"Just before the fatal moment"—it is Feodoroff himself who is now describing the crime—"Kazantseff called me into an ale-house. 'From here,' he said, 'it is easy to keep a lookout.' I entered and agreed with him. Speaking conscientiously [!] I must say that I was tortured by the forefeeling that I had not at all followed the condemned man. Kazantseff, on the contrary, was watching sharply. The moment the man reached the ale-house, where we were sitting, Kazantseff pointed him out and then we both left. I went after the man, overtook and outran him and then stood inside the court that leads into two streets.

"When the man was drawing near the courtyard I turned sideways towards him and fired at the distance of five paces. I aimed at his chest, but as I afterwards learned from the newspapers, the bullets entered his face. I fired four times. Then I rushed through the courtyard, jumped upon a passing drosky and escaped. Instead of going to meet Kazantseff at the rendezvous he had given me, I made for his flat. He welcomed me and gave me a kiss, like Judas. Impatiently I waited for the evening paper. I buy a copy, and with great emotion I learn that I am the murderer of Yollos, a member of the first Duma. I cannot describe what I then endured. Kazantseff said it did not matter, and that they were always stigmatizing the reactionaries or Black Hundred Men. I then said to myself: 'So I, too, am a Black Hundred Man.' And a suspicion darted through my brain that perhaps Kazantseff was also a member of that gang, but I had no facts to go upon then."

But, despite his suspicions, Feodoroff clung tenaciously to Kazantseff, and together they planned a raid which was to have yielded a million roubles ($500,000). Only when the scheme was

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

put off and no money was forthcoming did Feodoroff ask Kazantseff to introduce him to "the party." It was high time. But Kazantseff put it off and finally said that the party still lacked confidence in Feodoroff. This was the turning-point in their relations. Feodoroff was thenceforward on the alert.

The next "stroke of work" mapped out was the murder of Doctor Bielsky, an oculist of Moscow, on the ground that he was a reactionary. Feodoroff temporized first, then he questioned Kazantseff as to the truth of the charge and finally he had the deed postponed. Just then Ivanoff, who had been arrested a second time, reappeared on the scene. Kazantseff told him how he had attempted Witté's life, killed Yollos and planned the death of Bielsky. Ivanoff and Feodoroff agreed that the time had come to "take the measure" of Kazantseff. One day, chance gave them a glimpse into his "double-dealing methods." Ivanoff, waiting in Kazantseff's study for the host to appear, opened a drawer of the writing-table, and found programmes of the Russian League, Conservative leaflets and cartridges, which seemed to show that their owner was a reactionary. That was Kazantseff's trial and condemnation.

A fresh attempt on Count Witté's life was the next "piece of work" awaiting the amateur death-dealers, and it necessitated their return to St. Petersburg. In a lonely spot beyond the Okhta, on the outskirts of St. Petersburg, Feodoroff came by appointment on June 9th to meet Kazantseff and take charge of the bombs which were to blow up Count Witté. When Kazantseff appeared, Feodoroff plunged his dagger into Kazantseff's neck. Kazantseff fell heavily to the ground. Thinking his victim dead, Feodoroff seized his papers, but the wounded man moved. The murderer then rushed at him, hacked his face, cut his throat, slashed his head and finally left him, a loathsome thing. After that he went over to the revolutionists and told them this story.

The insight which this gruesome story gives into the modes of thought and action that prevail in revolutionary Russian circles is most instructive and unedifying. But the conclusion drawn from it, that the League of the Russian people concocts plots against the lives of prominent liberal politicians, will not bear serious examination.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE EDITOR'S DIARY.

MONDAY, *August 12.* **Conferring Benefits.**

To confer a benefit is far from an easy matter. Neither money nor power endows one with the privilege of benefiting others, for the giving of money is more apt to do harm than good; the conferring of place and position makes a strained relation and often betrays a man to his dearest failings. So over and above being virtuous, which is always an unalloyed blessing in an evil world, there are few things one can do that are unequivocally good for the doer and for those to whom he addresses himself. Perhaps to hand on the name of an author and a book in which one has found great joy is coming as near to conferring a benefit as one may. There has recently appeared in this country a very adequate and beautiful translation of a wonderful Dutch novel, van Eeden's "Quest." The "Quest" is in form an autobiographical romance, and in substance the spiritual adventure, beginning with the child's first acquaintance with nature and the imaginative dream he projects into nature. From the first page to the last there is not a sentence that is unmeaning or superabundant; the book is drenched in beauty and upheld by exalted and noble thinking. Somewhat reminiscent of a Faust-epos, the young Johannes searches the world for that which shall satisfy. Imagination and nature show him beauty and offer him adventures among the elves and fairies and animals. The insight into the life of the childish mind, the mind of a fine and nobly born child, is marvellous and turns one back involuntarily to Andersen's Fairy Tales. So nature and imagination lead and hold the child until he chances on the gnome Wistik, who is, in all probability, the search for truth, or intellect which wakens as childhood vanishes and youth approaches. Somewhere in the world, Wistik tells

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

him, there is a book and somewhere else is hidden the key which will unlock the book, and he who brings the two together and opens the book will know why the world is as it is, for it is the Book of Truth, and brings such peace and happiness to him who reads it that he never asks again for anything more. But alas! none has ever read the book yet, and it is only dimly and by hearsay that it is known. Wistik leads the youth Johannes to the two great doctors, Pluizer and Cijfer, whom one may, perhaps, guess to be representatives of science and materialism, and with them he lives through the blackest, the most hopeless days of his life and finally turns back to the friend of his childhood, Windekind, child of the wind, that spirit that bloweth where it listeth. But even as he woos his old companion, there appears to him, walking upon the waters, just at sunset, in the middle of a glowing space, surrounded by great fiery clouds, the dark figure of a man; his face is pale, his eyes are dark and there is an infinitely gentle melancholy in his gaze. And when Johannes accosts him and asks:

"Who are you? Are you a man?" He answers: "I am more."

"Art thou Jesus? Art thou God?" asks Johannes.

"Speak not those names!" says the figure. "They were holy and pure as sacerdotal robes, and precious as nourishing corn; yet they have become as husks before swine, and a jester's garb for fools. Name them not, for their meaning has become perverted, their worship a mockery. Let him who would know me cast aside those names and listen to himself."

And here ends the fairy-tale part of Johannes's life, and he begins to live a real life among men and to learn the two vital truths given among men which have played so small a part in so-called Christianity: the Kingdom of Heaven is within you, and if you love not your brother whom you have seen, how can you love God whom you have not seen?

One of the most interesting interludes in the book is Johannes's excursion into Hell with the Real Devil. The Real Devil is not in the least the old familiar Satanic majesty of poetic fame, but is a conventionally garbed nice-looking young fellow with a straw hat, against whose assaults Wistik has cautioned Johannes to hold on to two weapons,—a little flower given him by one he loves and a small mirror. At the worst crises Johannes looks into the mirror and saves himself.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

There is one flaw in the book, and that is the Utopian picture of human life which Johannes sees. Who was it who said that William Morris's Utopia was like a perennial afternoon picnic with plenty of cold lemonade and pretty women? For some reason, Utopias never succeed. Remove the elements of danger, struggle, labor and sacrifice, and the best life one can conceive seems tame and boring. It is, however, heartening to realize that the soul's adventure has somewhat widened its scope in the last century. It is no longer the question as to whether wearied learning may seek sensations, betray innocence and yet outwit the devil; it is the much larger question of the whole relation of man to man.

One cannot read van Eeden's great book as a novel or a story any more than one could read "Faust" as a mere story. Van Eeden is not telling a tale, and there is no plot, no structure, no complication and no solution. The book is not in the least in the order of the small, neatly constructed novel. It is a full account of the soul's quest, and the theory of life of a man of a very high order of genius and of a comprehensive mind who writes with compelling magic.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

INDEX

TO THE

ONE HUNDRED AND EIGHTY-FIFTH VOLUME

OF THE

North American Review

Alaska, The Fur-Seal Herd of, 426.
Art, The National Gallery of, 594.
Athletics, University, 353.
AUERBACH, JOSEPH S. English Style, 306.
Autobiography, Chapters from Mark Twain's, 1, 113, 241, 465, 689.
Awakening of India, The, 711.

BATCHELLER, GEORGE S. Mohammedan Marriage, Divorce and Domestic Relation, 766.
BEERS, Prof. HENRY A. Retrospects of the Drama, 623.
BENSON, ARTHUR CHRISTOPHER. Haydon, 177.
Berthold, *see* COULTON, G. G.
BLOUNT, JAMES H. Philippine Independence—Why? 365.
BONSAL, STEPHEN. The Negro Soldier in War and Peace, 321.
BOOKS REVIEWED—Symons's "An Introduction to the Study of Browning," "Cities," "Spiritual Adventures," "The Fool of the World and Other Poems," "Studies in the Seven Arts," "Poems in Prose," 75; Van Eeden's "The Quest," 79; Woodberry's "Ralph Waldo Emerson," 83; Torrence's "Abelard and Heloise," 86; Henry James's "The American Scene," 214; Mrs. Wharton's "Madame De Treymes," 218; Perry's "Walt Whitman," 221; Wendell's English Composition, 306; Duncan's "The Cruise of the Shining Light," 328; Stirner's "The Ego and His Own," 332; Flaubert's Letters, 437; Ramanathan's "The Culture of the Soul Among Western Nations," 442; Potter's "The Princess," 549; Wright's "Life of Walter Pater," 552; Viereck's Poems, 556; Maxim Gorky's "Mother," 661; Landor's "Life of Fox," 664; Galsworthy's "The Country House," 777; Raleigh's "Shakspere," 780; Victor Hugo's Intellectual Autobiography, 783; Mackaye's "Sappho and Phaon," 880; William James's "Pragmatism," 884.
British Naval Concentration, Results of, 737.
Bryant, *see* Pope, Cooper and the Hall of Fame, 801.

Campbell, Rev. R. J., *see* The New Theology in England, 495.
CHAPIN, Dr. HENRY DWIGHT. Milk: A Remarkable Food, 187.
Child-Idleness, The Problem of, 515.
Children, The Religious Education of, 699.
Church, The "Rock" of the, 123.
Cities, Design as Applied to, 862.
Citizenship Law, The New, 530.
CLEMENS, SAMUEL L., *see* Autobiography and Twain, Mark.
Compensation for Injuries, 651.
CONANT, CHARLES A. Our Duty in Cuba, 141.
Congress—The Post-Roads Power of Congress, 635; Judicial Nullification of Acts of Congress, 848.
Constitution—National Tendencies and the Constitution, 147; Designer of the Constitution, 813.
Cooper—Poe, Cooper and the Hall of Fame, 801.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

COULTON, G. G. A Revivalist of Six Centuries Ago, 271.
Critical Analysis of Socialism, A, 21, 127, 260.
Cuba, Our Duty in, 141.

Dana, Charles Anderson, 505.
Danger of National Isolation, The, 420.
Death—The Passing of a Prophet, 869.
DEMOCRAT, A NATIONAL. Has the Conservative South a Presidential Candidate? 475.
Design as Applied to Cities, 862.
Designer of the Constitution, The, 813.
DILLON, E. J. The Esperanto Movement in Russia, 403.
Divorce—Mohammedan Marriage, Divorce and Domestic Relation, 766.
DOANE, Rt. Rev. W. CROSWELL. The "Rock" of the Church, 123.
Drago Doctrine, The, 614.
Drama, Retrospects of the, 623.
DUNCAN, ROBERT KENNEDY. Temporary Industrial Fellowships, 54.

Editor's Diary, The, 107, 231, 349, 461, 571, 681, 799, 902.
Education — Religious Education of Children, 699.
ELLIOTT, HENRY W. The Fur-Seal Herd of Alaska, 426.
England—The New Theology in England, 495; Results of British Naval Concentration, 737; The Awakening of India, 711; World-Politics, 224, 445, 669, 889.
English Drama, *see* Retrospects of the Drama, 623.
English Style, 306.
Epic of the West's Expansion, 518.
Esperanto—The Esperanto Movement in Russia, 403.
Esperanto Lessons—May 3, 17, June 7, 21, July 5.

Fiction of Leonard Merrick, The, 378.
Financial Legislation, 34.
France—World-Politics, 338, 560.
FULTON, C. W. The People as Legislators, 69.
Fur-Seal Herd of Alaska, The, 426.

German Press, The, 724.
Germany—The German Press, 724; World-Politics, 90, 787.
GIBBONS, Cardinal. International Peace, 252.
Godkin, E. L., *see* A Great New York Journalist, 44.

Hall of Fame, Poe, Cooper and the, 801.
HANSEL, CHARLES. State Valuation of Railroads, 485.
HARGER, CHARLES MOREAU. The New Westerner, 748.
HARRISON, AUSTIN. The German Press, 724.
HARVEY, CHARLES M. Epic of the West's Expansion, 518.
Has the Conservative South a Presidential Candidate? 475
Haydon, 177.
HAZELTINE, M. W. The Referendum and Initiative in Switzerland, 202; Charles Anderson Dana, 505.
HENDERSON, ARCHIBALD. George Bernard Shaw, 293.
HILL, GEORGE G. The President's Policies, 759.
Hope of the Philippines, The, 197.
HOWELLS, W. D. A Great New York Journalist, 44; The Fiction of Leonard Merrick, 378.
HUNT, GAILLARD. The New Citizenship Law, 530.
HURD, ARCHIBALD S. Results of British Naval Concentration, 737.

Immigration Act, The New, 587.
Immortality, *see* Personal Immortality in the Light of Recent Science, 387.
India, The Awakening of, 711.
Industrial Fellowships, Temporary, 54.
Initiative and Referendum in Switzerland, 202.
Initiative and Referendum, *see* People as Legislators, 69.
Insurance, State, 63.
Intercontinental Railway, The, 283.
International Peace, 252.
Ireland—Ireland, 13; Sinn Fein, 825.
ISAACS, Prof. ABRAM S. The Jewish Home, 857.
Isolation, The Danger of National, 420.
Italy—World-Politics, 451.

Japan—The Naturalization of Japanese, 394; The Yellow Press of Japan, 837.
Jewish Home, The, 857.
JOHNSTON, CHARLES. The New Theology in England, 495.
Journalist, A Great New York, 44.
Judicial Nullification of Acts of Congress, 848.

KAWAKAMI, K. K. The Naturalization of Japanese, 394.
KENNEDY, CRAMMOND. The Drago Doctrine, 614.

Latin-America—The Danger of National Isolation, 420.
Legislators, The People as, 69.
LEWIS, ORLANDO F. The Vagrant and the Railroad, 603.
LIVINGSTONE, W. P. The West Indian and American Negro, 645.
LODGE, Sir OLIVER. The Religious Education of Children, 699; *see* The New Theology in England, 501.
Loot and Ruin of the Fur-Seal Herd of Alaska, The, 426.
LORD, J. WALTER. The Post-Roads Power of Congress, 635.
LOW, A. MAURICE. Shifting the Burden — Compensation for Injuries, 651; The Yellow Press of Japan, 837.

MACKAY, Rev. D. S. Personal Immortality in the Light of Recent Science, 387.
MAC MANUS, SEUMAS. Sinn Fein, 825.
MALLOCK, W. H. A Critical Analysis of Socialism, 21, 127, 260.
Marriage—Mohammedan Marriage, Divorce and Domestic Relation, 766.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MASON, CHARLOTTE OSGOOD. The Passing of a Prophet, 869.
MECHLIN, LEILA. The National Gallery of Art, 594.
Merrick, Leonard, The Fiction of, 378.
Milk: A Remarkable Food, 187.
Mohammedan Marriage, Divorce and Domestic Relation, 766.
MOSBY, THOMAS SPEED. The Problem of Child-Idleness, 515.

NATIONAL DEMOCRAT, A. Has the Conservative South a Presidential Candidate? 475.
National Gallery of Art, The, 594.
National Tendencies and the Constitution, 147.
Naturalization of Japanese, The, 394.
Naval Concentration, Results of British, 737.
Negro Soldier in War and Peace, The, 321.
Negro, The West Indian and American, 645.
New Citizenship Law, The, 530.
NEWCOMB, SIMON. University Athletics, 353.
New Immigration Act, The, 587.
New Westerner, The, 748.

O'DONOVAN, WILLIAM R. Design as Applied to Cities, 862.
Our Duty in Cuba, 141.

PARSONS, SAMUEL. Design as Applied to Cities, 862.
Passing of a Prophet, The, 869.
Peace, International, 252.
People as Legislators, The, 69.
Personal Immortality in the Light of Recent Science, 387.
PHELPS, WILLIAM LYON. Mark Twain, 540.
Philippines—The Hope of the Philippines, 197; Philippine Independence—Why? 365.
Poe, Cooper and the Hall of Fame, 801.
Post-Roads Power of Congress, The, 635.
Presidential Candidate, *see* A National Democrat, 475.
President's Policies, The, 759.
Press—The Yellow Press of Japan, 837.
Problem of Child-Idleness, The, 515.
Prophet, The Passing of a, 869.

Railroads—State Valuation of Railroads, 485; The Vagrant and the Railroad, 603.
Railway, *see* Intercontinental Railway.
Referendum and Initiative in Switzerland, 202.
Religious Education of Children, The, 699.
Results of British Naval Concentration, 737.
Retrospects of the Drama, 623.
Revivalist of Six Centuries Ago, A, 273.
ROBERTS, ELLIS H. The Wrong of the Great Surplus, 577.
ROBERTS, GEORGE E. Financial Legislation, 34.
ROBINSON, Dr. LOUIS. The Science of Ticklishness, 410.
"Rock" of the Church, The, 123.
Roosevelt, *see* President's Policies.
ROWE, L. S. The Danger of National Isolation, 420.
ROWE, WILLIAM V. National Tendencies and the Constitution, 147.
Russia—The Esperanto Movement in Russia, 403; World-Politics, 97, 456, 675, 894.

Science of Ticklishness, The, 410.
Science—Personal Immortality in the Light of Recent Science, 387.
SEAMAN, L. L. The Hope of the Philippines, 197.
Shaw, George Bernard, 293.
Shifting the Burden—Compensation for Injuries, 651.
Sinn Fein, 825.
SKRINE, FRANCIS H. The Awakening of India, 711.
SMITH GOLDWIN. Ireland, 13.
SMITH, J. RUSSELL. The Intercontinental Railway, 283.
Socialism, A Critical Analysis of, 21, 127, 260.
South—Has the Conservative South a Presidential Candidate? 475.
State Insurance, 63.
State Valuation of Railroads, 485.
STEDMAN, EDMUND CLARENCE. Poe, Cooper and the Hall of Fame, 801.
Style, English, 306.
Surplus, The Wrong of the Great, 577.
Switzerland, The Referendum and Initiative in, 202.

TAYLOR, HANNIS. The Designer of the Constitution, 813.
Temporary Industrial Fellowships, 54.
Theology—The New Theology in England, 495.
Ticklishness, The Science of, 410.
TRICKETT, Prof. W. Judicial Nullification of Acts of Congress, 848.
TWAIN, MARK. His Autobiography, 1, 113, 241, 465, 689; Mark Twain, 540.

United States—Financial Legislation, 34; Temporary Industrial Fellowships, 54; State Insurance, 63; The People as Legislators, 69; Our Duty in Cuba, 141; National Tendencies and the Constitution, 147; The Hope of the Philippines, 197; The Intercontinental Railway, 283; The Negro Soldier in Peace and War, 321; Philippine Independence—Why? 365; The Naturalization of Japanese, 394; The Danger of National Isolation, 420; The Loot and Ruin of the Fur Seal Herd in Alaska, 426; Has the Conservative South a Presidential Candidate? 475; State Valuation of Railroads, 485; The New Citizenship Law, 530; The Wrong of the Great Surplus, 577; The New Immigration Act, 587; The Post-Roads Power of Congress, 635; The Problem of Child-Idleness, 515; The Epic of the West's Expansion, 518; The National Gallery of Art, 594; The Vagrant and the Railroad, 603; The Drago Doctrine, 614; The West-Indian and American Negro, 645; Shifting the Burden—Compen-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sation for Injuries, 651; The New Westerner, 748; The President's Policies, 759; The Designer of the Constitution, 813; Judicial Nullification of Acts of Congress, 848; Poe, Cooper and the Hall of Fame, 801; World-Politics, 345, 567, 794.
University Athletics, 353.

Vagrant and the Railroad, The, 603.

WARD, ROBERT DEC. The New Immigration Act, 587.
Webster, Pelatiah, *see* The Designer of the Constitution, 813.
West—Epic of the West's Expansion, 518; The New Westerner, 748.
Westerner, The New, 748.
West-Indian and American Negro, The, 645.
WINSLOW, ERVING. State Insurance, 63.
World-Politics — Berlin, 90, 787; St. Petersburg, 97, 456, 675, 894; London, 224, 445, 669, 889; Paris, 338, 560; Rome, 451; Washington, 345, 567, 794.
Wrong of the Great Surplus, The, 577.
Yellow Press of Japan, The, 837.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED